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RESTORATION ADVISORY BOARD
12 APRIL 1994
7:00 p.m.
Golden Gate Club
PRESIDIO OF SAN FRANCISCO

Welcome Remarks by Colonel Gregory Renn, Garrison Commander,
Presidio of San Francisco

VF RAB
1043

On behalf of Lieutenant General Glenn Mallory the commander of the sixth army I would like to welcome you here tonight. Its always a pleasure to have folks visit our Presidio. Were very proud of it. For those of you who are watching the calendar, we have five and a half months to go now approximately before we turn the Presidio of San Francisco over the National Park Services. Now even though we will officially turn the Presidio over in five and a half months you all should know that the Armys responsibility for environmental remediation will continue until that job is done. No matter how long it takes.

The purpose of tonights meeting is to establish a Restoration Advisory Board (RAB). This board is a major element of the President Clinton's Five Point Plan. Which was announced last July . It is extended to increased public involvement in the necessary environmental clean up of closing installations. The goal of this program is to increase the publics awareness and to enhance its partnership with the Army. The park service and other involved governmental agency all to ensure that the Presidio is transfered in its prestige condition as possible. I will be followed by series of speakers. They will briefly describe the purpose, responsibilities, and the goals of the RAB. For those of you interested and automately selected to take part I thank you in advance for your time and energy and your commitment. The Army is rightfully proud of its stewardship with the Presidio. Creating and maintaining it as the most beautiful military installation in the world. We are also proud of our long standing role as a good neighbor to the surrounding Bay area communities. The establishment of the Presidio RAB is but a continuation of those traditions. We welcome and encourage your interest and involvement in this very important program. Again thank you for your genuine interest and welcome again to the Presidio of San Francisco.

**Public Participation by Rena Davies, Sixth Army and Presidio
Public Affairs Office**

Hello, I'm Rena Davies with the Presidio Public Affairs Office . Before I get started I wanted to let every one know that were tape recording tonights meeting and this is for to publish minutes which will be placed in the information depository. I thought it would be a good idea to identify on who will be here.

Before you get started in learning about the RAB. The RAB is a supplement to our public participation program. Were going to continue with news letters and providing information to those on our mailing list. We are available to take your calls if you have questions or if you have concerns . The RAB membership is not the only way you could become a member of the decision making process. There will be two formal opportunities for public comments regarding the clean up of the Presidio. We're going to have two comment periods. One is going to be for the Public Health Service Hospital and the other one will be for the main installation. In both cases, once the Army has a purposed clean up plan, we will have a 30 day public review and comment period. At that time documents will be available for review at our information repository. During this time, comments regarding our purpose clean up plan can be excepted in writing, or will have a public meeting in which you can make your comments known and that will be in a 30 day period. Now this comment period for the Public Health Service Hospital is coming up very shortly within the next two months, May or June. We exspect to have a public comment period for the main installation in August or September. So, the details for that will be provided to those on the mailing lists. If you're not on the mailing list then I encourage you to place your name and it will also be announced in the News Papers. There's a handout in your information packages which list the information Repositories and it also list points of contact if you have and question , or concerns. My name is listed on their. If you're still interested in becoming a member of the RAB please forward your application to me.

**President's Five Point Program by Colonel Frank Janecek, Director
of Public Works Presidio of San
Francisco**

Want to thank you very much for attending. As Rena said I am Colonel Frank Jenecek and I would like to cover the President Clinton's Community Investment Five Part Program. The five parts of the program starts with Fast Track clean up. Fast Track Clean up as you all know is getting federal properties back to the public domain as fast as possible. The second part of the Presidents's plan is the Job Center Property deposal. The President is serious about getting jobs and job center deposal back to work so we can get America back to work. The third part of the President's plan is Easy access to Transition to redevelopment Help. The forth part is Large Economic Development Planing Grants. The fifth is the Development of the Transition Coordinator to cut through all the red tape that many of us find as you deal with Federal Government and other bureaucracy. So, in a nut shell that is the President Clinton's Community Reinvestment Five part Program. It is an exciting part for us. The key element that we are concerned with is the Fast Track Clean up and one of the things that it establishes for us is the establishment of the clean up team. The clean up team is composed of three bodies. The bodies are, DoD, Federal EPA, California EPA. It has been delegated to the Department of Toxic Substance control as the lead agency track clean up. The second part that involves every one here is the involvement of involving the public in the process. We're in the past but that has not always been the case in the public. Sometimes, they were left in the dark. Currently, President Clinton has made it most clear that he wants active participation from the public. He wants active participation from the public and the concern public in this process. The key players that has come to existence as a part of the President's Program are the Base Realignment and Closure (BRAC) clean up team with these tree components. We also have a BRAC environmental co-ordinator. From Hamilton and from Treasure Island. If you hear people refer to them as a Brack Environmental Co-ordinators (BEC). We have a BRAC clean up plan commonly referred to as a BCP. In the old days prior to the President's program, the technical review committee was a body composed as to get participation and do technical analysis of the clean up plans. As a part of the President's program the technical review committee is being expanded and becomes a RAB by direction of the program. A draft (The Environmental Protection Agency the Department of Defense) guidance for implementing RAB provides the guidance that is going to guide the formation of this RAB. It specifies the technical review committee that will form the bases of the RAB. We can do it by a number of ways. Whats the purpose of the RAB? In handouts, you will see a draft mission statement. We think there is where its going to go with the mission of what the RAB is all about. The purpose is

straight forward. As you go through the booklet, you will see that the RAB is extended to bring together members who reflect the diverse interest with the local community enabling the earlier and continued two way flow of information concerns, Values and trends between the effective community. Department of Defense (DoD) and Environmental Regulating Agencies (ERA). The RAB wants to make sure that all stake holders have a voice and could actively participate in a timely and thorough manner in the review of clean up documents and revised plans. The stake holders provided a devise to the decision makers in an effort to accelerate the clean up and converse the installation. The RAB will strive to provide advice on the clean up issues as well as for the expression and careful consideration of diversion views. That is a powerful purpose and it is an important body.

So as you can see one of the key goals of the restoration of the RAB is representing those diverse community interest. The RAB focus is on community involvement in reviewing those documents. Clean up depurate, the inflictible standards, keeping the community involved and informed with the decision making process so that purposed mediation methods that will be published in the remedial investigation feasibility study document that goes on the street that we discussed earlier.

Technical review committee is the basis on what the RAB is forming from. The technical review committee was chaired by myself, Col. Jenecek. It consisted of the state of California representatives. We have members from the city and county of San Francisco. We have members from the CR club, the arms control research Presidio Council, Golden gate National Recreation Area, Sacramento Core of Engineers, Federal EPA, and also members of the Department of Defense Army Environmental Center out here from Marilyn . We had contractors who came in as guess presenters to discuss some of the clean up issues that were on going at the time. Generally, the TRC was a closed meeting. It focus on technical issues, the review of those technical documents, and the comments that came out of that. That technical Review committee will become a RAB. What is the difference between the RAB and the TRC?. But first the Restoration Advisory Board will add a community co-chairman that will be selected by the RAB members. So the bodies of the RAB will select that community co-chair. We add increased community representation. The body we see here tonight reflects that very well. We're going to allow the public to attend the meetings . So whether or not your selected as a member of the technical advisory board the participation in the meetings are encouraged and welcome. We will publish meeting minutes. RAB will be truly represented of the communities to verse interest and that's what we want to see. We look at the RAB size and right now were looking at 15 to 25 members of the RAB. As you read through this document it tells you that 20 is and optimum size. If you get much more than that, you will need to form sub committees. We're looking at 15 to 25 member range depending on the qualifications and what we see in the application process. But that is where we're going to focus on and you will get an understanding of that as you read through the guidance.

The meeting frequency will not be less than quarterly. It will be more frequently as necessary as required initially as the RAB comes up to speed. You will get familiar with the studies that may take place and may have to meet more frequently. As we get into reviewing the documents, as documents go out for public comment, it may not need to meet on a more frequent basis. But it will not meet not less than quarterly. The roles and responsibilities of the DoD co-chairman and the community co-chair are found in the guidance you have in the plan. So, the RAB mission statement and the operating procedures are developed and we have a draft charter that we have for the RAB. It will provide for the RAB members at the next meeting. When the application period has closed. As Rena Davies discuss earlier, RAB does not take the place of the required public review of the discussion documents. Rather, this body is meant to enhance the public participation process so that we get public comments in before we go out for a public review. The document that goes out will be a better document and more reflected on the interest than diverse interest of the community here. That summarizes the Presidents Five Part program, where we think it's going and how the RAB fits into that.

**Presidents Five Point Program continue by Martha Walters,
Presidio Project Office Goldent Gate
National Recreation Area**

The Park Services is monitoring the Armys clean up program. It is the intent that we are looking at the RAB solely to discuss clean up issues and not to discuss the Presidio general Management plan or the EIS. There have been a separate forum. A public forum, in which that has been discussed. We fully support the RAB and to be a full participant for those who are interest. There are a number of Post to park brochures on the table and you will have a better idea on what the Presidio of the National Park Service Presidio projects plan is going to be.

**Goal of Community Diversity by Shirley Buford, Public
Participation Specialist California
Department of Toxic Substances Control**

We work under the California Protection Agency and we are the lead agency for the clean up of the Presidio. San Francisco has been obviously designated as everyone favorite city and with the favoritism very broad diversity and we like to make sure that the people who has interest in the Presidios clean up have and opportunity to participate. Col. Jenecek said that they want to be the managerial group of RAB but we are also looking at the other opportunities for involvement of the RAB that can be under subcommittees or what ever is chosen by those elected or selected as members to participate as members of RAB. The diversity in San Francisco of residents businesses, environmentalist, we can go on and on and on. And hope that we get representation of each and every group as an interest in the clean up and the future of the Presidio of San Francisco. My role in the whole process involves community involment is mandated under state and Federal Law. Actually, my role is to insure that there are opportunities for each and every person who is interested, expresses interest to be involved and have some in put into the clean up plan. The Final decision of cleaning up all of the sites here at the Presidio. President Clinton's Five Point Clean up plan obviously gives up more expanded opportunities to do that and one of the intent is to encourage more community participation. Col. Jenecek indicated a list of technical people, business people and others who have been involved in the technical review committee. We want to encourage the residential community and those who feel that they don't know the technical lango or don't know exactly how you go about cleaning up the soil and ground water. We encourage you to participate also because you have an interest. We also know that there will be training in all of the aspects of cleaning up the military bases. We like to encourage, your concern as representative for the Toxic Substance Control and also to apply to become either a member or to just to participate in our RAB. Our policy at Department of Toxic Substance Control (DTSC). Is a two way communication. We will listen to and thing you have to say and we will certainly respond . We will consider every comment and issues that are brought forth.

Goal of Community Diversity continue by Saul Bloom, Director,
Arms Control Research Center

I am the director of The Arms Control Research Center. I am also a member of the RAB for Hunterspoint, Maire Island, Naval Air Station, Alameda, and I am a member of the technical Review Committee here at the Presidio. Which is transitioning into the RAB and that sounds like a lot of work. Yes indeed it is. It is very, very, important work that when I go around the bay area, I see the need for more, more, and more community involvement. The fact of the matter is public involvement is the key to our success. With out your involvement, were not going to go ahead and do as good a job as we can to insure the future of this post. RABs are critical elements of the process for cleaning up the facilities so they can serve the public. In this case, become a wonderful National Park. Now, public participation is the key element to that. In fact, one of the reasons why we are here tonight is because the public members technical review committee has been negotiating with the Army for a number of months to create a RAB. That's the importants of the power we all have to create and to facilitate the forward movement of the process. We're very glad to be here tonight. This is a very, very important movement forward in the entire process of turning this post into a park. Roles of RAB members is surely said; is not necessarily to be the part of technical wisdom. Parts of technical wisdom is hard to find any way but, the fact of the matter is what we really need are effective community voices within the process. We need your wisdom, common since, your ability to think critical about strategies, we need you to have your ability to role up your sleeves and to get involved in making this process work. That's fundamentally what we need. Every person in your community whose active and is an expert on some level in doing that and so you don't have to worry about your Doctorate, your PHD, your Master's or whether or not you could compete in the difficult conversation about science. There is many people who participate in the RABs. "Science rarely enter into this stuff". We want to improve that, but that's one element in one of the things we want to improve. What we really want to get going here is a fact. To make this process work. to achieve the goals that the President laid out. The goals that secretary Perry articulated. The goals that been handed down through the departments. To make all of these things work we are fundamentally depended on you. There are far to few organizations, far to few individuals currently involved in order to make this work. So, what I like to do is to encourage you to join. I need more evenings at home, we need more opportunities to have participation. The more people we have participating in these processes, the more the out come will look like the collective vision that we all have for these sights. It's not just the Presidio alone. When the Presidio's RAB works well, the

Treasure Island the Hunterspoint and the Maire Island RAB will work well. Not only will we be creating a new park here, but we will be taking the opportunity on various task that we have been handed to the base closure process. To build a new San Francisco Bay Area, we will really change the way it has been for the last forty , fifty years. That's very exciting. The outcome is fundamentally up to us. So let me encourage your participation and evolvment. Sign up, I think it will be worth your time.

Membership Opportunities and Selection Process by Colonel Frank Jenecek

I would like to talk briefly about the membership opportunities selection process. The RAB members are going to be representing those diverse community interests, That we are all looking forward to for cooperating into this body. Those RAB community member should act as a conduit for the exchange of information between the community, the DoD installation , the reuse intensitly, in this case the National Park Service. The regulatory agency and the regulatory agency regarding the institution involving the clean up with the reuse program that is an important element when you think about it. The RAB community members, the people that are selected should be responsible for representing and communicating those community interest and concerns which function in the community in which they represent. Now, there are going to be times when individuals will have personnal veiws that may differ from the community that they represent. It's important that the individuals on the RAB would have placed themselves in a position where they can step above their own personnal interest and state those views from the membership that they represent. Thats going to be an important challenge for those individuals on the Advisory Board. The RAB community members will review, evaluate comment on the documents, other materials related to installation clean up and the closure where afflicable . I have to say that the membership is voluntary. It's non-paid, so people who sign up will not be paid for there service. As you go through the guidance provided you will see that if you miss two or more consecutive meetings , you may be asked to resign. We think that this is a big challenge. The meetings will not be every week. They will be spaced out so that if you're going to miss two consecutive meetings, and youre necessarily not representing the group that you've been chosen to represent. We will review documents within 30 days of receival. Membership means work. It's not going to be a face in crowd meeting. A member of the RAB means that we are going to expect you to do some work. Work with a purpose and in your work will have an impact on the clean up of the Presidio. In the transition of the Presidio from an Army Base to a National Park. For us is some critical undertaking that were going to focus on. As a Public process, even if you are not selected for membership, we still would like for you to come to the meetings because your voice and your comments will be heard and appreciated. In the selection process of the guildence you should have, BRAC clean up team with that three member body participate and select the members here because of diverse interest. We're expanding that to include the reuse intentity of the National Park Service, who we will have a member on the selection committee as well as a member of the community. Also will be asked to review the applications so that we have a trully diverse RAB. That team will consist of the DoD member, DTSC, Federal EPA, A Golden Gate National Recreation area person

and a community member. Now we think that we will get a broad review of those people who submit their applications in that regard. That committee will select and view the applications for the diversity of the committee that we are asking for. They will submit that recommend list of nominees to the garrison commander, Col. Renn for his approval and he may return that selection list to the committee if he thinks that its not representative of the community and lacks that diversity that we are chartered to incorporate. We will notify the person who was not selected by letter. At that time we will keep all applications on file so in case some one is not able to meet their obligations, because they have other committments , leaves town, has vacations, or for what ever reasons is not able to continue; from there we will select someone.

I would purpose a date to make the next meeting . At that meeting we will form our technical review committee at the begining of the meeting , have a brief technical review committee to convien and then we're join the technical review committee and reconveine the RAB at the same time. Thats how we invision that process taken place. Like to consider the 17,18 ,19 of May. The days are: Tuesday, Wednesday, Thursday.

Majority for the 17th wins.

Open Discussion/Panel Members: Colonel Frank Jenecek
Michael Work, U.S. Environmental
Protection Agency
Romy Fuentes, California
Department of Toxic
Substances Control
John Buck, Army Environmental
Center

Shirly Buford announces the Panel Members. Colonel Frank Jenecek, Michael Work, Romy Fuentes, and John Buck.

Question: What if any authority does the RAB have in the actual process of clean up?

Answer: The authority is from the guidance. The authority for the RAB charter comes from the comprehensive environmental response compensational liability act circa 1980 is amended by the reauthorization act circa 1986 particularly the sections 120a, 120f, 121f and 10 USC 270 or 2705 inactivated by section 211. September 9, 1993 Department of Defense policy letter entitled Fast track clean up in closing installations. Entitled the basis that we have authority. This guidance from EPA DoD has the specifics on how we should implement the guidance to form our charter.

Question: Is there going to be a voting procedure on the actual clean up policy and practices by the RAB. An actual approving process that level of authority.

Answer: There's bound to be a difference in opinion sometimes among the RAB members. And it's the job of all of us, including the base transition coordinator to make sure that the review and the minority review both presented to the BCT Base clean up team. The community view will be taken to consideration at that point. Both the majority and minority view.

Question: What does the Panel consider to be the most critical issues. The Board will be meeting to bring to the community immediately.

Answer: Most of the members of the public are concerned about what sort of alternative measure to clean up the sight. The most critical issue right now on that is coming forth on the Presidio is coming up with a major

decision on what sort of clean up alternative. Were going to be implementing on the Presidio.

Question: Will the members of the RAB be sort of a self contained self staffed unit or will there be, what kind of staff assistance will be in doing the work of RAB and I would like for you to elaborate little more because you said that it would be quite a bit of work. what notions do you have about the kind of work and the level of activity between the meetings.

Answer: The support elements as you go through the plan their obviously the army has the lead of the DoD has some major responsibilities provide technical systems, provide support for reproduction for intergration of comments to answering comments as the members of the RAB review documents . The documents that they review and their comments maybe hand written they maybe on a tape just transcribe , I mean they can come to us on any form or fashion so that we can consider those in the developement of the consideration of the parcels that need clean up. In those clean methods and alternative as we go through the comparison, alternative methods and looking at the balance between physical responsibility and total clean up. How do those things all weigh. I think there is a lot of work the support the department of the Army can provide rarely will be in the providing support to prepare the minutes, distribute those, maintain the data base participants and one of the things that we will have to do early on is as the members are selected publish those with telephone numbers so that the community can have access to those members. If you are a member of the RAB then you can expect for your name and phone number will be published so that other members in the community can contact you . So we will draw support on that regard.

Adding to that , there are a group of environmentalist who have pulled together resources to do some training in May for community members who are interested or who are already RAB members.

Question: Correct me If, I'm wrong. I think that I am hearing that you are looking for community members to become involved with reading documents pertaining to the clean up toxic sights at the base here to diguest that information and then make it presentable back to the community to take comments from the community at large? Is that what I am Hearing?

Answer: Basically that's the intent of it but we are not going to be doing it like we're not going to be providing outreach. We are going to be providing outreach in community which regards to the education of the sort of technical language we're using, what sort of process we are going to have to go through in order to clean up the site.

Also we want you to learn how to translate that technical information into the lay terms so that the average individual can understand what mediation means and interremoval actions and so forth and so on.

Question: What sort of time table is involved here seems that there's the base closure will actually occur in a very short period of time and it seems that toxic clean up will not occur as quickly as expected so is there some conflict with respect to the life of this board into perhaps under maybe the Golden Gate National recreation area will this preclude the army's leaving the base.

Answer: Will the RAB go past the departure of the Army and the transition of the National Park Service and doing the clean up period how long will it go.

It will clearly past 30 September when we will transfer the Presidio Army to the National Park Service, It will go into and after the record of decision has been made and I suspect that for the main installation that record decision will probably be in the late fall early winter. Some time in November, December, January time frame from now it will go past that and the LRAB provides the community link to the on going clean up activities. So even after the solutions has been selected the clean up is on going. And we envision that the RAB will continue to be able to monitor and report that status to that on going activity. We put in the applications in a two year period. I think that it may not go two years. In fact it could go two years if it takes a long time.

Question: I think I heard that the training was going to take place before the selection of the members of the board I would like to suggest that the members should be selected then they should be trained. Other wise you won't get the members that are selected, trained.

Answer: The training was mentioned because it is a free community service for those people who are interested. And again if you are not selected as a member, you will be familiar with the process and you can continue

to participate at various levels. And those people who are selected should request from the Army specific training for this particular clean up at this sight. Thats the way its working at some of the other miliatay installations. But this is general overall training that I mentioned because I thought it would be a good opportunity for those people who are interested in the intire process Whether they participate as members or will they simply just want to know what the whole process is all about.

I think the members of the RAB for the Presidio will recieve specific training. AT least if I were a member I would ask.

We are thinking about having a sight tour. The first question is how contaminated is the Presidio. What we need to do is give you an idea of whats out there.

Question: I was wondering about the different places where these documents can be picked up. There not terribly convienient for those of us who live around the Presidio and I am wondering if I could recommend that these documents also be place in the dipository can be place in the Richman Library and perhaps what ever ones local can be placed at the Marina Library and I would also like to recommend that some organization of some on how to learn the acronyms and some of the treatment technology be held at perhaps some of the libraries at convenient times for the citizens around the Presidio. So that we got the right leango down.

Answer: It's clear that one who could come into this environment activities is Acronym city. I got to tell you that there are more acronyms in this business than Carter makes bills. I started off saying what is all of this. With all the acronyms you could probably fill about twenty or thirty or fifty pages just to list them not even writing the difinitions. So, it is very extensive. THat it will be clearly one of the early charters of the board to bring the people up to speed on this status , as what Romy stated, what toxication exist on the Presidio, what possible and proposed methods will be training on the environmetal processes on those acronyms and what do they mean. So if some one says Cirila and sufa and the whole regulations that may apply to us people need to understand what they are and you will get a much better understanding of the relative risk. So if someone says were going to look at a health base risk, you will have an appreciation of what that means. Does it mean that, if you sniff something , are going to die. Not necessarilly. The risk is measured in a

lot of different ways. So, I think that there are a lot of good publications that cover that and we will try to expand on those and provide a lot of education to those who are members of the board. one of the things that I didn't bring. We had at last environmental forum and that's a book put out by the state on their drinking water program. We will bring that back and that little booklet that we will provide if you were to go get it, it will cost you \$2.00. It provides a good summary of health risk and some of the considerations entail that. So that's what we will bring to the next meeting. So that you can see that how drinking water is effective in different measures. There are a lot of aspects to this we are going to try and bring those rap members up to speed as soon as possible.

Comment:

I would like to make a couple of comments . Your comment on selected members. I think it's important also but you will have realize that the Presidio, they are trying to allow a full thirty days notice for the public to try to stimulate the community to get involved and it's really up to us to help share it with others to get community involvement and the San Francisco State University is an independent training process that they have their dates set. And so I really want to encourage all of you to help tell other people about it . The support from the community I think that it is important that there is probably certain individuals who have a special interest on different parts of the Presidio and there might be opportunities for subcommittees. Even if you don't fill a two year commitment. There might be some subcommittees. I recommend that you put down on your application, what your interests are and your time involved. If you don't think that you can put enough time in a full RAB member need to put in. It is important that all of us get involved.

Kassel J. Kendricks
Civilian Personnel Office
Secretary, (MERT&L)



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
PRESIDIO OF SAN FRANCISCO, CALIFORNIA 94129-5000



REPLY TO
ATTENTION OF:

AFKC-ZM-DPW

MEMORANDUM FOR RECORD

SUBJECT: Minutes of the Restoration Advisory Board, 12
April 1994, 7:00 p.m., Golden Gate Club, Presidio of San
Francisco

Colonel Gregory Renn, Garrison Commander, made opening remarks. On behalf of Lieutenant General Glynn Mallory, the commander of Sixth Army, he welcomed everyone to the meeting. We have approximately five and a half months to go before turning the Presidio over to the Nation Park Service. The Army's responsibility for environmental remediation will continue until that job is done, no matter how long it takes. Colonel Renn explained that the purpose of the meeting was to establish a Restoration Advisory Board (RAB). The Army is proud of its long history of maintaining a beautiful installation and being a good neighbor to the surrounding Bay Area communities. The establishment of the Presidio RAB is a continuation of those traditions. He again thanked everyone for their genuine interest and welcomed them to the Presidio of San Francisco.

Rena Davies, Sixth Army and Presidio public affairs office, announced that the meeting was being tape recorded to aid in publishing minutes. She then asked everyone to identify themselves which they did. Ms Davies explained that the RAB would supplement the public participation program. That the Army would continue with news letters and other information. RAB membership is not the only way to be a part of the decision making process. There would be formal opportunities for comment on the cleanup, one for the Public Health Service Hospital and one for the main installation. That formal comment period would be announced by mailings and also in the news papers. Ms Davies name is listed on one of the handouts and if people were interested in becoming a member please forward your application to her.

Colonel Frank Janeczek, Director of Public Works, Presidio of San Francisco, then made a presentation on President Clinton's Community Investment Five Part Program. He reviewed the five parts of the program: Fast Track Cleanup; job centered property disposal; easy access to transition redevelopment help; large economic development planning grants; and the development of Transition Coordinator. Key to our purpose is Fast Track Cleanup. He explained the BRAC Cleanup Team (BCT) consisting of DOD, US EPA, and California EPA representatives. California

Department of Toxic Substances Control has been delegated the lead within California. The president's plan also created a BRAC environmental coordinator (BEC), and BRAC cleanup plan (BCP). In the old days, prior to the president's plan we had a Technical Review Committee, (TRC), to review documents; however, now that body would convert into the RAB and greatly expand it's membership to include the public and public participation. The RAB gives the community a means to be involved. The goal of the RAB is to provide advice on the cleanup issues and represent the community on these important issues before decisions are made. Colonel Janeczek reviewed the differences between the Technical Review Committee and the Restoration Advisory Board. He discussed the DoD and EPA guidance on establishing the RAB. That the size should be about 20 members and, if much larger, would have sub-committees to deal with specific issues. Frequency of meeting would be not less than quarterly and more often initially as people learned about the issues. All of this information is available in the handout packages.

Martha Walters, Presidio Project Office, Golden Gate National Recreation Area made a short presentation. She stated that the Park Service was monitoring the Army's cleanup and that the intent of the RAB should solely be to discuss cleanup issues and not to discuss the Presidio General Management Plan or the EIS. There have been separate forums to discuss those issues. There are a number of Park brochures on the table to give an idea on what the National Park Service plans to do with the Presidio.

Shirley Buford, Public Participation Specialist, California Department of Toxic Substances Control, gave a short presentation on the goal of community diversity and community participation. She stated that the policy at the Department of Toxic Substances Control was two way communication, they would listen and respond. They would consider every comment on issues brought forth.

Saul Bloom, Director of Arms Control Research Center, introduced himself and made a presentation on the goal of community diversity and comment. He was a member of the RAB for Hunters Point, Mare Island, Naval Air Station Alameda and a member of the technical review committee at the Presidio. It was a lot of work but important. Community involvement was essential to ensure the cleanup was good. The RAB and community had power and were a vital part of the process. He stressed that everyone could contribute at the RAB. That all the RABs would work well if the public participated. He encouraged participation and involvement.

Colonel Janecek then reviewed the membership opportunities and the selection process. The RAB members are going to represent diverse community interests. They will act as a conduit for information between the community, the DOD and the Park Service regarding cleanup issues. The RAB members will review, evaluate, and comment on documents and materials related to installation cleanup and closure. RAB membership is voluntary. It is non-paid. Membership means work, everyone will be expected to contribute. The membership selection committee will consist of a member from DOD, DTSC, US EPA, GGNRA, and a community member. The selection committee is looking for community diversity. They will make a recommended selection list and forward it to Colonel Renn for his approval who may return it if he thinks it does not have adequate community diversity. All applications will be kept on file. The people present then voted on the next meeting date and selected Tuesday, May 17, 1994.

The meeting then moved into the open discussion portion with panel members: Colonel Janecek, Michael Work of US EPA, Romy Fuentes of DTSC, and John Buck from the Army Environmental Center. Shirley Buford moderated. There were many good question each answered in turn.

The following are a list of questions asked and responses listed:

Q. What authority does the RAB have in the actual process of cleanup?

A. The RAB provides advice and guidance to the Commander.

Q. Is there going to be a voting procedure on the actual cleanup policy and practices of the RAB?

A. Again, the RAB provides advice, not policy. In some cases, the RAB may provide several different courses of action for the Commander's decision.

Q. What does the Panel consider to be the most critical issues the board will consider and bring to the community immediately?

A. Cleanup alternatives for the Presidio.

Q. Will the members of the RAB be self contained or will they get technical assistance?

A. Support to the RAB will be primarily administrative, technical expertise will be available.

Q. Is the purpose of the community members to become involved in reading documents pertaining to cleanup of toxic sites, digest the information and then present it to the

community and take comments from the community at large?

A. Yes, community involvement is essential to the RAB process.

Q. Will the RAB go past the departure of the Army and the transition to the National Park Service and during the cleanup period how long will it go?

A. The RAB will continue to meet after Base Closure. It may last for approximately 2 years.

Q. There was a question on training members after they are selected not before.

A. The training is for the community and is not specifically for the Presidio RAB. Anyone who is interested should attend the training even if they do not know if they will be selected for the RAB.

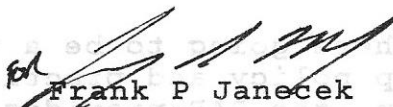
Q. What places can documents be picked up and is it possible for the documents to be placed in the Richmond Library and perhaps the Marina Library?

A. PAO will resolve this question.

Q. Also is there some document that covers all the acronyms and some of the treatment technologies?

A. A good reference is the "Consumer's Guide to Drinking Water", provided at the Environmental Open Forum. Copies are available at DPW.

Participants were thanked for coming and encouraged to sign up and come to the next meeting. The meeting was adjourned at 8:30 p.m.

 **CP, EN**
Frank P. Janecek
Colonel, U.S. Army
Director, Public Works



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
PRESIDIO OF SAN FRANCISCO, CALIFORNIA 94129-5000

REPLY TO
ATTENTION OF:

AFKC-ZM-BRAC

8 June 1994

MEMORANDUM FOR DISTRIBUTION LIST

SUBJECT: Restoration Advisory Board Meeting

1. Subject meeting was held on 17 May 1994 at 7:00 pm, in the Golden Gate Club (NCO), Presidio of San Francisco. The following members attended:

COL. Frank Janecek
MR. David Wilkins
Mr. Peter O'Hara
Ms. Roberta Blank
Ms. Janette Barroca
Mr. Richard Seraydorian
Ms. Joan Girardot
Ms. Caroline Washington
Mr. Michael Work
Ms. Theresa McGarry
Mr. Roger Henderson
Ms. Jan Baxter
Mr. Robert Reinhard
Ms. Helen Marte-Bautista
Mr. Dexter Chan
Ms. Patricia Varephey
Ms. Shirley Buford
Mr. Denys Williams
Mr. Romy Fuentes
Mr. John Ozanich
Mr. Harold Ball
Ms. Sylvie Kern
Ms. Ira Max
Mr. Chein Kao
Ms. Julianne Turko
Mr. Paul Cohen
Mr. John Buck
Mr. Andrew Lolli
Ms. Dianna Young
Mr. Larry Stuhlmiller
Mr. Bennett Horenstein
Ms. Monaghan
Mr. David Stanton
Mr. Scott Nakamura
Ms. Burnet Sumner
Mr. Doug Kern
Mr. Bruce McKleroy
Ms. Julie Anderson
Ms. Heidi Gewertz
Mr. Arnold Rossi
Mr. Ray Van Dohren

AFKC-ZM-BRAC
SUBJECT: Restoration Advisory Board Meeting

Mr. Saul Levine
Ms. Bertha Robinson

1. COL. Janecek introduced himself and greeted the Restoration Advisory Board (RAB) members. David Wilkins BRAC Environmental coordinator and Co-Chair, introduced himself and asked the RAB Members to stand and introduce themselves. Each member also stated if they were interested in being the RAB Co-Chair and why. RAB Members suggested that all RAB Members sit at the front table, to facilitate the discussion.
2. Mr Wilkins then directed the RAB through the discussion items as listed on the agenda.
 - a. Overview of RAB Member duties, responsibilities:
 - b. The RAB is an advisory body designed to facilitate the exchange of information between the Presidio and the local community. The RAB is intended to bring together community members who reflect the diverse interests within the local community, enabling the early and continued two-way flow of information, concerns, values, and need between the affected community and the BRAC Closure Team (BCT). The Presidio RAB will work in partnership with the BCT on cleanup issues and related matters throughout the facility's cleanup and transition to the National Park Service.
3. David Wilkins discussed the RAB Charter; The members of the RAB board suggested that paragraph III. read "individual community members or organizations must reside within the Bay Area".
4. It was discussed among the RAB members that a monthly meeting be held vice quarterly. Monthly meetings would allow members to expedite the learning process associated with their new duties.
5. It was stated that nomination and selection of the Co-chair would be conducted at the next meeting scheduled for 15 June 1994, 6:30 pm.
6. It was stated that all RAB members should receive the minutes of the previous meeting at least two weeks before the next meeting.
7. Published environmental reports are available for RAB members at the Local Library, Public Affairs Office, and Environmental Office. Copies of the BRAC Cleanup Plan will be distributed to all RAB members.
8. RAB members may fax or send comments of the Charter to David Wilkins at (415) 561-3488, please have your comments to David Wilkins by June 10, 1994.
9. Identification of subcommittees and participants was postponed until the next RAB.
10. Overview of restoration projects by John Buck, Army Environmental Center.
 - a. John Buck gave a briefing on the investigation sites and cleanup plan at the Presidio.
 - b. He highlighted the areas that were the main concern for the cleanup projects. UST removal and abatement are ongoing. Groundwaters samples are constantly being taken. There are about 250 storage tanks left to be cleaned up. The contamination areas were discussed based on a map provided to members.

AFKC-ZM-BRAC

SUBJECT: Restoration Advisory Board Meeting

11. The RAB members were concerned with the sand blasting of the Golden Gate Bridge and Doyle Drive. They asked to have Cal Trans as a guest speaker to discuss lead contamination issues resulting from the sandblasting. There was a question about LAIR/Letterman Assessment. Disposal of waste was conducted in accordance with regulations and no contamination was found, so there was no further investigation done.

12. Mr. Wilkins scheduled a site tour at the next meeting at 15 June 94, 6:30 pm at the Golden Gate Club (NCO Club).

13. Orientation classes for RAB members are scheduled throughout the summer. Mr Wilkins will provide a list of available programs.

14. The Next Meeting of RAB is scheduled for 15 June 1994.

15. The meeting was adjourned.



David M. Wilkins
BRAC, Environmental Coordinator
HQ, USAG

Distribution:

Col. Renn, USAG
Barbara Gannon, USAG, Cos
Col. Janecek, DPW
Cpt. Stanton, JAG
Alice Kelly, PATO
RAB Members

ATTACHMENT 10

Minutes From The Restoration Advisory Board Meeting

1. Subject meeting was held on 15 June 1994 at 6:30pm. It commenced with a one hour bus tour followed by the general meeting which started at 7:30pm, in the Golden Gate Club (NCO), Presidio of San Francisco. The following members attended:

MAJ SIMMS
CPT STANTON
CPT HARMAN
Mr. David Wilkins
Mr. John Buck
Mr. Peter O'Hara
Ms. Roberta Blank
Ms. Joan Girardot
Ms. Caroline Washington
Mr. Michael Work
Mr. Roger Henderson
Ms. Jan Baxter
Mr. Robert Reinhard
Ms. Helen Marte-Bautista
Mr. Dexter Chan
Ms. Shirley Buford
Mr. Denys Williams
Mr. Harold Ball
Mr. Doug Kern
Mr. Larry Stuhlmiller
Ms. Elaine Warrren
Mr. Mike Heally
Ms. Jan Monaghan
Mr. Ellis Wallenberg
Ms. Elizabeth Sopher
Mr. Greg Bridgestock
Ms. Lynn Suer
Ms. Nina Kannatt
Mr. Scott Nakamura
Mr. Bruce McKleroy
Mr. Arnold Rossi
Mr. Sol Levine
Ms. Barbara Goodyear
Mr. William Smith
Ms. Chanel Worthy

1. Army Co-chair person David Wilkins introduced himself and greeted the Restoration Advisory Board (RAB) members. Mr. Wilkins introduced CPT. STANTON.

2. CPT. STANTON gave his introduction to legal review of the closure of the Presidio. He discussed the primary cleanup under CERCLA (super fund) of contaminated sites (funding to provide clean-up) and that Congress appropriated funds for this project. CERCLA provides guidelines for federal clean-up of sites. Step 1; Conduct a PA which includes a site record review of historic areas and hazardous sites. Step 2; Perform a site inspection which includes taking samples of the soil. Step 3; Prepare the remedial investigation by collecting data and prepare the feasibility study to define a treatment strategy. Step 4; Preparation of a remedial action plan and allow the community to input their views. It was stressed by CPT STANTON that the RAB be familiar with the acronyms. Questions that were asked: Who signs the record of decision? A; The Army as the Lead Agency. Q; Is the Presidio on the national priority list for cleanup? A; No. Q; Will the Army clean-up to

ATTACHMENT 10 (continued)

the most protective level? A; Yes. Q; Does the state have a input. A; The State and Federal agencies do have input and must come to an agreement.

3. Mr. Wilkins introduced Cary Feirabend of the National Park Service. GGNRA described the Draft General Management Plan and how they intend to use future sites on Presidio. Maps are available upon request.

4. Mr Wilkins stated that each RAB member should prepare a one half to one page letter stating why they wish to be Co-chair and their qualifications. RAB members could mail or fax responses to Mr. Wilkins at (415) 561-3488. The RAB will select the Community Co-chair person at the next RAB meeting. Mr Wilkins also asked the members to provide feedback on committees, workshops and proposed agenda items.

5. One member suggested that the RAB could meet voluntarily to hold workshops on specific areas of interest. It was also suggested that the RAB meet for a longer time frame since the first two meetings seemed to have been cut short.

6. The next RAB meeting was stated for July 19, 1994 at 7:00pm at a location to be determined.

7. The meeting was adjoured at 9:15pm.

1 THE RESTORATION ADVISORY BOARD MEETING

2
3
4 AGENDA ITEMS:
5 VOTE FOR COMMUNITY CO-CHAIR
6 VOTE FOR COMMITTEES
7 WORKSHOP TOPICS AND FREQUENCIES
8 PUBLIC COMMENT ON DOCUMENTS FOR PHS
9

10 **CERTIFIED COPY**

11 TUESDAY, JULY 19TH, 1994

12 HELD AT

13 FORT MASON FIRE HOUSE
14 SAN FRANCISCO, CALIFORNIA
15 7:00 P.M.
16
17

18
19 REPORTER'S TRANSCRIPT OF PROCEEDINGS
20 BY JILL ANNE STEPHENSON CSR 8562
21

22 CLARK REPORTING
23 2161 SHATTUCK AVENUE, SUITE 201
24 BERKELEY, CA 94704
25 (510) 486-0700

1 BOARDMEMBERS PRESENT:

2 MICHAEL ALEXANDER
3 JAN BAXTER
4 SAUL BLOOM
5 GREG BRIDGESTOCK
6 AMY BROWNELL
7 DEXTER CHAN
8 ROMY FUENTES
9 HEIDI GEWERTZ
10 JOAN GIRARDOT
11 MICHAEL HEALY
12 BENNETT HORENSTEIN
13 WILLIAM LEE
14 SOL LEVINE
15 ANDREW LOLLI
16 BRUCE MCKLERoy
17 JAN MONAGAHN
18 ROBERT REINHARD
19 ARNOLD ROSSI
20 LYNN SUER
21 ELLIS WALLENBERG
22 MARTHA WALTERS
23 DAVID WILKINS
24 MICHAEL WORK
25

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1 P R O C E E D I N G S

2 BOARDMEMBER WILKINS: Welcome to the third
3 installment of the Presidio Restoration Advisory
4 Board. First off, I want to welcome you all here
5 once again and introduce our Public Affairs Officer,
6 Rena Davies, who I'm sure some of you know but
7 haven't been formally introduced to. Rena is
8 standing in the back, and she's going to handle all
9 the public affairs and responsibilities for the board
10 in an official capacity from this time forward.

11 Additionally, I'd also like to welcome
12 Shirley Bufford, who will be facilitating our
13 discussion this evening. And also we have a reporter
14 who will be providing a transcript of tonight's
15 discussion that will be put in each of the two
16 repositories, as well as an executive summary sheet
17 that will be provided to each of you members within a
18 couple weeks after the conclusion of tonight's board
19 meeting.

20 If you refer to your packet, for the
21 community members you have a blue folder and for the
22 technical members you have a gray folder. In there
23 I've included a photocopy of some guidance regarding
24 the draft that I picked out of the workshop book on
25 the workshop I went to last week. I'd like to refer

1 to that just to revisit some of the issues of why
2 we're here and what the RAB is supposed to be doing,
3 because it seems to me there was some confusion about
4 what our purpose and role is.

5 If you look at that, it's numbered one
6 through six. It says, "What is the RAB?" in the top
7 right corner. If you'd just refer to that as I go
8 through it, I'd just like to highlight a couple of
9 things off of each page. The first page where it
10 talks about what is a RAB, I think the key thing
11 there is it's not a decision-making body and it
12 provides individual advice to government
13 decision-makers. Of course, government
14 decision-makers are the Army, which is the lead
15 agency and the regulatory agencies that are involved
16 in overseeing the cleanup.

17 On the second page, if you look at the
18 purpose of the RAB, towards the middle of the page,
19 it says the RAB has two primary purposes. The first
20 one would be to provide decision-makers from the
21 installation and regulatory agencies with input on
22 the cleanup program. And, again, the RAB does not
23 make decisions about cleanup.

24 In the second bullet there it talks about
25 the RAB certainly is a focal point for communicating

1 with the community. And certainly that's the most
2 important thing, that all of you, in whatever your
3 capacity is, provide outreach and information to the
4 community at large.

5 On Page 3, Responsibilities of the RAB,
6 where I have the big black asterisk it says:

7 "The RAB's focus should be the
8 cleanup program. Other issues
9 may be raised by stakeholders.
10 For example, at closing bases,
11 the community will be concerned
12 about future land, economic
13 viability and jobs. There should
14 be other forums to discuss these
15 issues. It is the responsibility
16 of the RAB members to ensure that
17 discussions stay on track."

18 On Page 4 it talks about responsibilities of
19 the RAB and community members. And again, I'd like
20 to highlight, the main point there is to advise and
21 comment on cleanup issues to government
22 decision-makers and reporting back to the
23 organization or the community that they represent.
24 That would be your neighborhood association, your
25 church, whatever other civic interest groups you

1 perhaps may be involved with. Reviewing and
2 providing comments on documents is another big
3 responsibility of the RAB.

4 On Page 5 there is a discussion about the
5 applicability of the Federal Advisory Committee Act.
6 On the second bullet there in the box it says:

7 RABs are not intended to be
8 governed by FACA. RAB members
9 provide individual advice rather
10 than consensus advice."

11 And then below that you see four bullets,
12 and at the third bullet it says:

13 "RABs are not intended to be
14 formal FACA committees."

15 And on Bullet No. 4 it says:

16 "You should seek legal counsel if
17 you feel it is in the best
18 interests of your RAB to be a
19 FACA committee."

20 The reason I bring that up is because in the
21 information packet that I sent out to everyone
22 earlier this month there was confusion about the
23 individual versus consensus advice. And if it comes
24 to -- when it comes to issues of providing advice to
25 the government agencies regarding cleanup, that

1 advice would have to be on an individual basis. And
2 certainly all the individuals may have the same
3 advice; that's fine. But there can not be -- there
4 should not be some type of consensus for that. With
5 regard to our own procedures and operating policies,
6 certainly there can be any type of consensus for
7 that, for example, frequency of the meetings or
8 duration of the meetings or anything along those
9 lines.

10 BOARDMEMBER REINHARD: I'd like to make a
11 point of clarification about this, because I
12 responded to your earlier distribution on that point.
13 I don't think it was anyone's understanding here that
14 the entire Restoration Advisory Board, that is 25
15 members, however many we are, would vote and reach a
16 consensus, as you say, on some cleanup issue and say,
17 "This is the position of the Recreation Advisory
18 Board."

19 But what you just said about how everyone's
20 comment must be individual and there can be no
21 consensus among members is something that I think
22 needs clarification, and it's very important. When
23 the public comment period begins and people do start
24 making formal written comments which government
25 agencies must respond, it may be the case that two,

1 three or four members, however many, may decide that,
2 as you said just now, that their comments are in
3 agreement and that they want to sign on together.
4 And so that portion of the membership may reach a
5 small consensus among themselves.

6 And it is often the case that when more than
7 one individual comes together, that when people ban
8 together in their comments, that that also carries
9 greater weight than sometimes a lot of individual
10 comments. And so I just think that people should not
11 feel restricted or constrained in any way from
12 organizing consensus positions among certain members
13 if they have them because, a united comment, like I
14 say, on the administrative record does sometimes
15 carry more weight than an isolated comment by a
16 single individual with whom there may not be
17 agreement. So, expressing agreement to the extent
18 that it's possible is a good thing.

19 BOARDMEMBER ALEXANDER: Well, along with
20 that -- because I appreciate there has been a lot of
21 confusion about this -- you have these rather
22 involved requirements, rare esoteric requirements of
23 the Federal Advisory Committee Act. So, I just want
24 to say that I agree with Rob Reinhard in his
25 comments. And the way I intend to handle this is

1 three or four members, however many, may decide that,
2 as you said just now, that their comments are in
3 agreement and that they want to sign on together.
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5 small consensus among themselves.

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17 agreement. So, expressing agreement to the extent
18 that it's possible is a good thing.

19 BOARDMEMBER ALEXANDER: Well, along with
20 that -- because I appreciate there has been a lot of
21 confusion about this -- you have these rather
22 involved requirements, rare esoteric requirements of
23 the Federal Advisory Committee Act. So, I just want
24 to say that I agree with Rob Reinhard in his
25 comments. And the way I intend to handle this is

1 tedious and elaborate selection process, noticing
2 issues and a host of other issues.
3 The Golden Gate National Recreation Area
4 Advisory Commission, for example, is a FACA advisory
5 committee, and they can take formal positions on
6 issues brought before them. But the approval process
7 really takes a year to get a committee like that
8 formed, just as one logistical impediment. We don't
9 have it here. We have a transfer on October 1st and
10 there are serious and significant issues coming
11 before that.

12 On the other hand, I don't feel that we're
13 totally powerless to speak with, if not a single
14 vote, at least single voices. And I think that's my
15 understanding of the law and requirements. That's
16 how I'm going to handle it. If you feel that that's
17 incorrect, that's your opinion.

18 BOARDMEMBER WILKINS: No, I think we said
19 the same thing; I just think we just might have said
20 it differently. I just want to feel comfortable that
21 everyone feels comfortable about that issue, because
22 it was made confusing about the way I presented it in
23 the information packet. So, that was my whole
24 intention of clarifying it, by supplementing it with
25 the guidance I got from the workshop.

1 that when I hear something that somebody says that I
2 agree with, I'm going to say, "I agree with that."
3 If I want to amplify my agreement, I'll do so.

4 But it gives us a way of voicing our
5 opinions without having to restate the same issue
6 individually in our individual words or perhaps put a
7 one-degree tilt or a squeeze on an issue and wind up
8 25 individual comments, all of them just a fraction
9 different from one another. Where I agree with
10 something, I'll say I agree with it, and I hope other
11 members of the RAB will just operate in that way.

12 I think that's the best solution that I can
13 find to this problem of, well, we can't vote on an
14 issue, and we can't take a unified position on an
15 issue, and we're going to provide individual
16 comments, 25 individual comments, and we're all
17 saying the same thing.

18 BOARDMEMBER HORENSTEIN: What does that mean
19 when you say, "we can't"? What if we do?

20 BOARDMEMBER ALEXANDER: Well, as I
21 understand it -- and I'm not a lawyer here; there are
22 lawyers here -- the Federal Advisory Committee Act
23 says that if we are taking positions like that, if we
24 are voting, for example, then we come under the
25 requirements of FACA. And that involves an extremely

1 BOARDMEMBER BLOOM: I think the real concern
2 in terms of confusion relates to the use of the word
3 "consensus" and the implication of the word
4 "consensus," because FACA clearly prohibits --
5 requires that the Advisory Committee is going to vote
6 different directives to a body that they'd have to be
7 a FACA, to go for the FACA process.

8 And that doesn't necessarily mean that the
9 body can't reach a consensus of opinion if that body
10 is not providing you with that same consensus in the
11 record as applied by a vote. And I think that's the
12 subtly of difference that we're dealing with here.
13 And so I think that the RAB could, in fact, reach a
14 consensus of opinion, providing that that was simply
15 the consensus of opinion as opposed to a directive
16 vote that would compel the Army to comply with
17 regulatory system -- with our opinions. And I think
18 that's the subtly of the difference. And you might
19 want to have your counsels look at that for further
20 clarification.

21 So, I think the issue of consensus is not so
22 big an issue as it is about directives and voting,
23 and I think that's where it ultimately comes down to.
24 And by providing consensus of opinion, at least the
25 regulatory agencies would therefore be apprised of

1 where the RAB as a membership could vote on things,
2 for example, like frequency and protocol of meetings
3 and some of the other things that are listed there.
4 That's why I added that, to try to help clarify that
5 point. So, in any case, I hope everyone understands
6 that issue.

7 I was also made aware that there was a
8 meeting held a couple weeks ago where RAB members got
9 together and discussed, I guess, a variety of topics.
10 And I just wanted to say that I was very pleased to
11 hear that that took place. I'm happy to hear that
12 there are members of the board who have taken the
13 initiative to get together on their own and talk
14 about issues which are obviously very important to
15 them, given that everybody has very busy schedules,
16 to take time out of those busy schedules to get
17 together and discuss these issues.

18 And that's the type of thing that the Army
19 is looking for. That's why we have the Restoration
20 Advisory Board here in the first place, to solicit
21 that community involved and that public
22 participation. The only issue was that I don't think
23 everyone was there, or people didn't find out about
24 it until too late.

25 So, if there is anyone here who attended

1 that meeting and would like to share with the rest of
2 the group what went on there, I'd like to hear what
3 was discussed because I know it was pretty important
4 issues that were discussed there. No comments?

5 BOARDMEMBER HEALY: Well, I was present at
6 the meeting, and I think it's a good idea. And I
7 think it would be good for us to discuss it. I
8 wonder, though, if it might be better to move on to a
9 couple of the other points. I'm particularly
10 concerned about dealing with the co-chair issue. And
11 I know in the last meeting we had to keep bumping it
12 off and bumping it off and finally didn't resolve it.
13 I'd be happy to help discuss it or something, but in
14 the meantime I think it would be better if we went to
15 some of the other topics.

16 FACILITATOR BUFFORD: Would you prefer to
17 maybe move that down to the end of the agenda for
18 discussion?

19 BOARDMEMBER HEALY: I'm not speaking for the
20 entire group of people over there, but that's how I
21 would want to proceed.

22 BOARDMEMBER ALEXANDER: I was also present.
23 The end product of the meeting was to create items
24 for the agenda tonight. Some of those items match
25 items that are on the agenda that the Army sent out,

1 and the first priority was to get a community
2 co-chair like this. So since that's one on the
3 agenda, I see no reason not to just keep going
4 through the agenda.

5 FACILITATOR BUFFORD: Is there any
6 opposition to that? Jan?

7 BOARDMEMBER BAXTER: I'd like to say that I
8 was there and it was the interest expressed by people
9 who were there in workshops and in getting some sort
10 of basic instruction started that showed me that
11 there was enough interest to do some workshops. So,
12 I did that workshop last week.

13 So, that was one of the results of that
14 meeting. I really didn't know, when I thought about
15 topics from the workshop, just how much interest
16 there was, but there was enough then that I thought
17 the effort was worth it. I apologize to the rest of
18 the RAB members with the little amount of notice that
19 I gave.

20 BOARDMEMBER REINHARD: As part of this,
21 especially about what happened there, and as Michael
22 said, the end product of that meeting was to come up
23 with an additional list of items to be on this
24 agenda. And I think Sol Levine sent out a letter
25 about that. I think we should have those items

1 listed as part of this agenda tonight and mention,
2 you know, that these are the items we also want to
3 have put on the table this evening.

4 FACILITATOR BUFFORD: Would, again, you go
5 along with getting through this agenda list --
6 organization seems to be very important -- and then
7 list those other items? Obviously there's some time
8 constraints here in terms of adding to the agenda,
9 but that is possible because we've heard from several
10 meetings that we'd like to at least complete one full
11 agenda without carrying over items. So, can I get
12 some feedback from you on that?

13 BOARDMEMBER REINHARD: Well, I think, Sol,
14 maybe if you could read out the other agenda items
15 and then let's see where they fall into this list
16 here.

17 FACILITATOR BUFFORD: Sol?

18 BOARDMEMBER LEVINE: Briefly, the letter
19 that I sent -- the first item was to elect a
20 community co-chair and alternate co-chair, determine
21 what's the term, short, long or interim, the transfer
22 and the leasing aspects of the transfer, the Army to
23 provide specifics in terms if possible, the
24 compliance update, one, was a compliance matrix and
25 time line. And as an example, concerning the

1 listed as part of this agenda tonight and mention,
2 you know, that these are the items we also want to
3 have put on the table this evening.

4 FACILITATOR BUFFORD: Would, again, you go
5 along with getting through this agenda list --
6 organization seems to be very important -- and then
7 list those other items? Obviously there's some time
8 constraints here in terms of adding to the agenda,
9 but that is possible because we've heard from several
10 meetings that we'd like to at least complete one full
11 agenda without carrying over items. So, can I get
12 some feedback from you on that?

13 BOARDMEMBER REINHARD: Well, I think, Sol,
14 maybe if you could read out the other agenda items
15 and then let's see where they fall into this list
16 here.

17 FACILITATOR BUFFORD: Sol?

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22 and the leasing aspects of the transfer, the Army to
23 provide specifics in terms if possible, the
24 compliance update, one, was a compliance matrix and
25 time line. And as an example, concerning the

1 underground tanks, permitting.

2 We had a discussion about inviting some
3 people with knowledge about the Golden Gate Bridge
4 update; see if some of those authorities could come
5 here and discuss that. We also discussed the
6 frequency of meetings. I don't want to use the word,
7 but the feeling was that we should have meetings at
8 least -- I wrote twice week. I meant twice a month.
9 Very important. And I will just add to this part,
10 workshops.

11 And I've got to say that Jan initiated some
12 workshops which I had the privilege to attend and
13 they were -- three of us and they were great. I
14 think that's a very, very important part of the
15 agenda to be included. That's basically what we'd
16 like to see added to the agenda.

17 FACILITATOR BUFFORD: Okay. I think we have
18 covered in our discussions most of those items, and
19 I've listed them. If we can get through our written
20 agenda, I think you will have time to discuss those
21 other items that you suggested on the agenda, if
22 that's okay with the rest of the group. Is that
23 okay? Okay.

24 It seems like everyone is very interested in
25 the community co-chair. And you have before you the

1 names of the people who are campaigning for that
2 position, and you also have a couple of options.
3 Option No. 1 is to have the candidates be announced
4 and introduced. Each candidate will be given a few
5 minutes to speak on their behalf, should they elect
6 to do so. RAB members will take 30 minutes to review
7 the candidates' statements and vote. After a short
8 recess, the community co-chair will be announced.

9 Option No. 2: Candidates will be announced
10 and introduced. Each candidate will be given a few
11 minutes to speak on their behalf, should they elect
12 to do so. RAB members will return their ballots by
13 mail to Rena Davies or tonight to Rena Davies, Public
14 Affairs Office, and members will be notified by
15 telephone of the new community chair.

16 Now, there is an added item here that we
17 should have an alternate co-chair. So, there are
18 three items we need to get through before we get to
19 the selection process. I'd like to call for, by a
20 hand vote, those who prefer Option No. 1.

21 BOARDMEMBER CHAN: Before you do that, can I
22 suggest a third option?

23 FACILITATOR BUFFORD: A third option? Okay.

24 BOARDMEMBER CHAN: We go ahead and hear for
25 a couple minutes the candidates and then we go on

1 with the agenda and we take a break in about an hour
2 and a half --

3 FACILITATOR BUFFORD: We do plan to take a
4 break --

5 BOARDMEMBER CHAN: But we don't need 30
6 minutes.

7 FACILITATOR BUFFORD: Okay. I think we can
8 shorten that time. Actually, I think when we talked
9 we said possibly ten minutes would be sufficient.
10 What I'd like to do is first determine if you want to
11 hear from the candidates. If we could give them a
12 couple of minutes to talk with the group and tell us
13 why they would like to have that position of
14 community co-chair.

15 BOARDMEMBER BAXTER: Shirley, I have a
16 question. Last week we were given a much longer
17 list. Are we to assume that --

18 FACILITATOR BUFFORD: More than four people?

19 BOARDMEMBER BAXTER: Yes. Are we to assume
20 that these four are the only ones still interested in
21 the position?

22 FACILITATOR BUFFORD: David, is that the
23 case?

24 BOARDMEMBER WILKINS: Yes.

25 FACILITATOR BUFFORD: That's the case.

1 And -- is that the same question you had, Jan?

2 BOARDMEMBER BAXTER: Yes.

3 FACILITATOR BUFFORD: Also, do we want to
4 have the top two vote-getters to the first one to the
5 community co-chair and the second highest vote would
6 be to the alternate? Are we all in agreement that we
7 should have an alternate? Okay. Thank you. Joan?

8 BOARDMEMBER GIRARDOT: Yes. I'm one of the
9 four individuals that submitted last week a statement
10 of my qualifications. I have a seriously ill mother
11 and I received some bad news today and I may have to
12 go to Virginia. I'm not sure of my time line. So,
13 in view of that situation, I think I have to withdraw
14 my candidacy.

15 However, I have some pretty solid community
16 liaison experience, and that is outlined on Page 2 of
17 this statement that I submitted. So, I would like to
18 suggest that we establish another committee that
19 hasn't been suggested thus far and that I will take
20 part in that committee which would be as doing a
21 solid community outreach and liaison work and also
22 possibly deal as a point person to deal with the
23 press.

24 FACILITATOR BUFFORD: Okay. We do have a
25 list of a suggested subcommittee, and that would be

1 an excellent one to add to the list. And we will put
2 that on the list, and we're going to ask for
3 volunteers to participate on those committees. I'm
4 very sorry to hear about your mother, and we're sorry
5 that you're dropping out.

6 BOARDMEMBER GIRARDOT: Well, I would be
7 interested in being an alternate co-chair, or if
8 there were two co-chairs. But under the
9 circumstances ...

10 FACILITATOR BUFFORD: Jan?

11 BOARDMEMBER BAXTER: I just had a question,
12 if it was discussed whether or not people would be
13 interested in having community co-chairs of, say,
14 six-month to year terms, and then you would have the
15 community co-chair, because there seems to be a lot
16 of interest among various individuals in having that
17 opportunity.

18 FACILITATOR BUFFORD: I think that's an
19 excellent suggestion, but what I would like to do is
20 give it back to the community because you make that
21 decision once you get -- elect a co-chair, that you
22 decide among the members how you want to operate.
23 We'd like to give you that option.

24 BOARDMEMBER HORENSTEIN: I thought I read
25 this one-year term in this guidance --

1 FACILITATOR BUFFORD: It works. In a couple
2 of sites we've got one year; in a couple of sites
3 we've got two-year terms. And there's been a
4 suggestion for rotating and so forth. So, again,
5 once we get that community co-chair selected,
6 elected, we'd like for you to decide how you want to
7 operate and how long, the length of the term, what
8 kind of mission statement or charter, or how you want
9 to operate. And we're just kind of opening it up in
10 terms of outlining some of the committees that we
11 also participate on.

12 And that's one way that everyone would have
13 a real solid part in the whole process. We're
14 looking at group leaders, subcommittee leaders or
15 whatever you want to call yours. But it really is an
16 expansion for the community to have the involvement
17 their way and for you to organize the way you see you
18 can work best.

19 BOARDMEMBER REINHARD: I have a question.
20 We just voted that we'd like this idea of an
21 alternate co-chair. Does that mean that we just
22 voted to have, like a rotating --

23 FACILITATOR BUFFORD: No, you haven't voted
24 on anything yet.

25 BOARDMEMBER REINHARD: We expressed some

1 agreement about having an alternate, and is that what
2 we mean by an alternate, that somebody would be
3 available in three or four months?

4 FACILITATOR BUFFORD: No.

5 BOARDMEMBER REINHARD: What do we mean by an
6 alternate?

7 BOARDMEMBER HORENSTEIN: If someone falls
8 out from the position, you don't have to go through a
9 selection process.

10 BOARDMEMBER LEVINE: It's going to be quite
11 a workload.

12 FACILITATOR BUFFORD: Absolutely. It's
13 going to be quite a lot of work. And it really would
14 be good to have someone to depend on and help. If
15 you've got some other priorities and other things
16 going, then you'd have that alternate who can carry
17 forth with you, because you're going to be working
18 directly with the base environmental coordinator, but
19 you're representing the community entity as opposed
20 to the military entity. So, somebody has to watch
21 out for the community's interests.

22 BOARDMEMBER LEVINE: We're down to three
23 names of three people. May I make a suggestion that
24 possibly that would be sort of like a try-out for the
25 community, and you have three people because you're

1 agreement about having an alternate, and is that what
2 we mean by an alternate, that somebody would be
3 available in three or four months?

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24 possibly that would be sort of like a try-out for the
25 community, and you have three people because you're

1 going to do it for a year and they could alternate
2 among themselves to help out?

3 FACILITATOR BUFFORD: Well, that's a
4 suggestion; that is, not vote and just take these
5 three people. But shall we look at the rest? I'm
6 seeing some no ...

7 BOARDMEMBER HORENSTEIN: I have a comment. I
8 don't think it's a bad idea, with two thoughts:
9 Leadership by committee is a tough thing to achieve.

10 The other one is I think this person should be a
11 colleague and counterpart to David. And three could
12 maybe allude that position to an equal standing.

13 BOARDMEMBER GIRARDOT: And I would also like
14 to clarify that I'm still running to be alternate
15 co-chair. So you're leaving me out.

16 BOARDMEMBER LEVINE: My apology.

17 BOARDMEMBER HEALY: We need a co-chair who
18 is going to be a leader. And if we pick an
19 ineffectual one we're going to have a problem. And
20 that's why I think we should pick one now who is
21 going to be the one to lead us as counterpart to
22 Mr. Wilkins. I don't think it's going to be
23 constructive to water it down. We might as well just
24 alternate each month.

25 FACILITATOR BUFFORD: Michael?

1 BOARDMEMBER ALEXANDER: Just that since we
2 have a single ballot, if we simply circle two names
3 who we have as a preference for first and second. So
4 we should be putting "one" and "two," perhaps, by
5 the --

6 FACILITATOR BUFFORD: Or just circle one
7 name and the two people who surface at the two
8 highest vote-getters; the first highest vote-getter
9 the community chair and the second, the alternate.

10 BOARDMEMBER LEVINE: The only reason I was
11 going to say is that I served on a committee back
12 east long ago. I always find it difficult, because
13 as I say, this is going to be a great deal of work.
14 And I think Joan's offer to become an alternate is
15 important, and I think you might have one co-chair
16 and I totally agree. And you might have one or two
17 alternates to help them to assist for assist vice
18 presidents or whatever you want to call them. In my
19 corporation it works that way well.

20 FACILITATOR BUFFORD: Let's go back to the
21 question again. We know that we need a community
22 co-chair, one, and I think that's been agreed. How
23 many believe that we should have, or would prefer to
24 have, an alternate also selected?

25 BOARDMEMBER HORENSTEIN: I think when we're

1 defining alternate, one, we're calling it like a
2 co-co-chair, a vice co-chair. The way I thought you
3 meant it was in lieu of the co-chair being able to
4 perform all the duties or being present at meetings.
5 I don't know if that's --

6 FACILITATOR BUFFORD: You suggested the
7 alternate.

8 BOARDMEMBER LEVINE: We're meeting once a
9 month and some of us -- another part of the agenda
10 would like to meet twice a month. Some of us, even
11 another co-chair -- other committees may keep him
12 from doing this. He may be the co-chair, but he may
13 designate the authority or the duty to the alternate
14 or to work with David. I think it's important the
15 vice president or whatever you want to call it, or
16 just an under-boss, you know -- to use that
17 terminology, this is what's happening, because went
18 to see a continuation.

19 The co-chair and alternate will be working
20 very closely together. They will know what's going
21 on and what happens, that the co-chair is ill or
22 indisposed, that the alternate can then come in and
23 run the meetings or communicate in the areas.

24 FACILITATOR BUFFORD: Consistency is
25 important. Okay. I need to get another show of

1 define terms and numbers of bodies before we pick a
2 body?

3 FACILITATOR BUFFORD: You may. But again, I
4 think the idea is that there are so many options,
5 we'd like for you to get together as a community
6 organization and come up with a charter or something
7 of that nature among yourselves without taking that
8 kind of time to go into all of the options that can
9 occur.

10 BOARDMEMBER HORENSTEIN: There is a
11 provision, I believe, in there, that if at any time
12 the members are not happy with the co-chair he gets
13 ousted. I think that's important and should happen.

14 FACILITATOR BUFFORD: And I think again at
15 the last couple of meetings there was a real push to
16 get this person on board. And that's why it is Item
17 No. 1 on the agenda. If we could, with Joan's name
18 still on the ballot, if we can agree that we'll go
19 ahead and select a co-chair and the person getting
20 the second highest number of votes can serve as the
21 alternate or we can work that out among yourselves
22 once you begin to organize, I think we need to go to
23 step one and then step two, if it's okay with the
24 rest of the members. Okay. Joan would like to leave
25 her name on the ballot.

1 As I said, I'm not an engineer. I do not
2 have a technical background. I'm looking at it from
3 a point of view as a citizen. I would like to
4 compete to be alternate co-chair. I'd keep my name
5 in there, but as I said, I have a personal problem.
6 I don't think it's fair to the board to want to be in
7 there full force.

8 FACILITATOR BUFFORD: Thank you. As I said
9 earlier, Doug Kern could not be with us but he did
10 provide a statement and if you'd like you can take a
11 few minutes to read that over. Bennett Horenstein,
12 would you like to speak to the group on why you're
13 interested in the position?

14 BOARDMEMBER HORENSTEIN: Briefly. Sure. I
15 didn't hear if we could vote for ourselves ...

16 FACILITATOR BUFFORD: I think we can always
17 vote for ourselves. The President of the United
18 States voted for himself.

19 BOARDMEMBER HORENSTEIN: I think my brief
20 statement here is pretty self-explanatory. I'd say I
21 have a fairly high level of technical background
22 expertise coupled with a commitment to get something
23 done. And I think that's where I really come in. I
24 believe we should be very goal action-oriented,
25 having the direction focus. I think that's our

1 BOARDMEMBER GIRARDOT: Yes.

2 FACILITATOR BUFFORD: Any opposition to
3 that? Okay. Joan has made her statement and I would
4 invite her to say some more words, if you'd like, to
5 the body or go to the second person on the ballot.

6 BOARDMEMBER GIRARDOT: Well, my background,
7 as my statement says, is as a neighborhood person.
8 I'm not a technical person. I'm not belonging to any
9 environmental group per say. I don't have any
10 specific agenda other than to express community
11 concerns to the BRAC team and to carry that
12 information back to my community.

13 And as my statement said, I think I have
14 access to the RAB community because the neighborhood
15 I live in is arguably the one that's the most
16 affected by these decisions here, being adjacent to
17 the northeast quadrant where a lot of these
18 activities will take place.

19 And I've represented the marina at the NAPP
20 group for the last four years which represents nine
21 neighborhood associations surrounding the Presidio,
22 and I have taken a part in other task forces on
23 behalf of the Marina District issues. My strengths
24 are as being a community organizer and community
25 liaison as to what I would like to do here.

1 biggest challenge of the community co-chair, stretch
2 the boundaries of the definitions of the RAB in
3 general, perhaps.

4 Another point which I briefly mention in
5 here, resource commitment. I agree with Sol that
6 it's going to be a tremendous amount of resource,
7 which I have given some thought to and time, and I'm
8 prepared to commit to that.

9 I think that's all.

10 FACILITATOR BUFFORD: Thank you. And last
11 but not least, Robert Reinhard.

12 BOARDMEMBER REINHARD: Well, I think what
13 comes out of my statement and some of the other
14 things that I've said here has been my experience
15 right here at the base, and specifically on the
16 Superfund cleanups and the process. We do have a lot
17 of work to do as a group, and the deadlines and the
18 upcoming responsibilities are going to require
19 marginally a lot of effort to make sure that we do
20 stay on track on the key issues.

21 And because of my involvement on the TRC
22 Committee during the last year and my experience with
23 Superfund, which is the statute that we're all
24 dealing with, I think I would make an effective
25 co-chair because I know how that larger process has

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22 Committee during the last year and my experience with
23 Superfund, which is the statute that we're all
24 dealing with, I think I would make an effective
25 co-chair because I know how that larger process has

1 worked out with all those people, and particularly in
2 this group and who affect the base in particular.

3 And I, of course, am also ready to make a commitment.

4 FACILITATOR BUFFORD: I didn't catch that
5 last sentence. You're also a "registered," or --

6 BOARDMEMBER REINHARD: I have to apologize.
7 I have had a cold this last week. I don't sound too
8 good, but I would also be able to make the resource
9 commitment.

10 FACILITATOR BUFFORD: Thank you. Okay. And
11 not 30 minutes, but a few minutes to read Doug Kern's
12 bio with his statement of why he would like to be
13 chosen as community co-chair. And when you're ready,
14 would you put a check mark, circle "yes" or "no" by
15 the one person that you choose to elect? Rena and
16 Denise will collect the ballots, and I would like to
17 have a volunteer from the community to serve on this
18 balloting community we've chosen, to work with Denise
19 and Rena collecting the ballots and just to ensure
20 that accuracy and to ensure there is some community
21 involvement in selection of the ballot. Yes, sir.
22 You'd like to volunteer? Okay, good. So, if you'd
23 like, you can assist Rena and Dennis in collecting
24 those ballots.

25 I think real Rena, did you receive some in

1 the mail from -- no. Okay. So, only the members who
2 are here tonight will be voting. Okay.

3 BOARDMEMBER BALL: And I had just one yes.

4 FACILITATOR BUFFORD: And then one yes. Any
5 other questions?

6 BOARDMEMBER MCKLEROY: Is there a forum that
7 we be required to make this -- I mean, if somebody
8 who is not here decided that they didn't like how it
9 went, is that an issue potentially, or --

10 FACILITATOR BUFFORD: I don't believe so. I
11 think we are operating under that procedure.

12 (Recess)

13 FACILITATOR BUFFORD: Okay. I have some
14 news. We do have a clear winner for the co-chair,
15 and that is Robert Reinhard. Now, the problem.
16 There was a tie for the alternate, so it's up to the
17 group to decide if you want one alternate or if you
18 want two alternates, and those alternates are Joan
19 Girardot and Bennett Horenstein.

20 BOARDMEMBER ALEXANDER: I'd like to revote.

21 FACILITATOR BUFFORD: You'd like to revote.
22 Okay. So, shall we take this process? Okay. I
23 can't give out these ballots again, but Rena, if
24 you've got some blank paper, we can just quickly ...

25 (Voting)

1 The second round, the alternate is Bennett
2 Horenstein.

3 Okay. We'd like to move on to the second
4 part of our agenda, and David will talk a little bit
5 about the subcommittees that we've come up with. And
6 we'd like to have volunteers to work on the
7 subcommittees, and once you volunteer we'd also like
8 to have a group leader or someone to work with the
9 community co-chair to make sure that your concerns
10 and your issues and your efforts are represented at
11 the RAB meetings.

12 So, Denise will --

13 BOARDMEMBER HORENSTEIN: I have a question.

14 BOARDMEMBER WILKINS: I know what you're
15 going to ask. Okay. If everyone refers to the
16 packet, there is a piece of paper that says
17 "Suggested RAB Committees." If you could, just grab
18 that out and look at it. Okay. In the information
19 packet that I sent out earlier this month there was
20 an attachment that talked about committees. And it
21 was very confusing and awkward, so I want you to
22 disregard that whole attachment. Just forget that it
23 ever existed.

24 Since that time, I have reevaluated the
25 intent of what I was trying to offer to you as a

1 And then the last part is the ESAP, which is
2 the Environmental Sampling & Analysis Plan. That's a
3 CERCLA-related issue where the Army is conducting
4 sampling and analysis of the storm drains to
5 determine the impact of any of the contamination on
6 the Presidio that may impact the bay.

7 So, if the Army -- or when the Army
8 completes all of these five programs right here, then
9 this installation will be clean. So rather than have
10 -- as I put in it that attachment in your information
11 packet earlier this month where I listed all the
12 study sites, all those study sites fall within one of
13 these five areas.

14 So, I think it would be in the best interest
15 of the group to assign yourself to one of these
16 program areas and participate in that as a committee.
17 And you're going to get the full spectrum of what's
18 going on here at the Presidio in its entirety. The
19 two most significant areas up there in terms of the
20 depth and the comprehensiveness of the amount of the
21 work that has to be done is in the main installation
22 in the UST/FDS Program. Those are the two largest
23 components of the whole cleanup process here at the
24 Presidio.

25 Now, if you again refer to the sheet, you'll

1 see where I have individuals' names written after
2 each item, like "Main Installation" I put "Romy" and
3 "Michael" and "John Buck." John is not here tonight,
4 but those are individuals who represent technical
5 expertise and can provide -- they would be the
6 technical experts to assist in the committees in
7 their responsibilities.

8 For example, John is the Technical Manager
9 from the Army Environmental Center who is working on
10 the main installation in the Public Health Service
11 Hospital area. And Greg Bridgestock, for example, is
12 a Technical Manager from the Corp managing the
13 UST/FDS Program and the 637 area. Those technical
14 managers, along with the other government agency
15 regulatory agency officials, are the persons that can
16 provide that type of expertise.

17 Then the third component of that technical
18 expertise is the individuals here in this room, the
19 other community members who may have expertise in
20 certain areas. And, of course, that's also a portion
21 that can provide expertise to the committee.

22 So, the last part of that, if you look down
23 at the bottom of the page where it talks about
24 committee duties, each of the committees would be
25 responsible for those five duties that I've listed

1 there, and that's certainly not all-inclusive, but
2 those are the main things that each committee is
3 supposed to be responsible for.

4 And as Shirley was saying, as we go through
5 the process here and people identify what committees
6 they want to work on, once a group leader is
7 identified, the committees can work to not only
8 provide outreach to obviously the rest of the public
9 in general, but also to the rest of the RAB members
10 who may not be specializing in a given area. And
11 those are the types of things that me and Bob
12 Reinhard, for example, can work together on as agenda
13 items in upcoming RABs, so that each time we have a
14 meeting we can discuss the restoration programs in
15 each of these specific areas for whatever details
16 need to be discussed at those times.

17 So, that's the background where we're at
18 with this committee program.

19 BOARDMEMBER CHAN: I'm kind of curious as to
20 why the schematics are dropped.

21 BOARDMEMBER WILKINS: Say that again.

22 BOARDMEMBER CHAN: Why the themes are
23 dropped out. There's another way of looking at this
24 where -- from an environmental standpoint, it's not
25 appropriate to judge a site individually throughout

1 all the issues, like if you're looking at wildlife
2 rehabilitation that is a possible site, we should
3 like at that base-wide rather than to the specific
4 site. I'm having a problem with looking at small
5 parcels individually rather than sub-topics related
6 to it, and going across also.

7 BOARDMEMBER WILKINS: Well, to use wildlife,
8 for example, the committees that I've identified here
9 are the committees that have to do with the -- these
10 are the five areas that have to do with the
11 restoration of the Presidio. Wildlife issues don't
12 have anything to do with restoration of the Presidio.
13 That's why --

14 BOARDMEMBER CHAN: They need to determine
15 what type of cleanups would be appropriate --

16 BOARDMEMBER HORENSTEIN: Well, maybe another
17 example to that type of theme would be site
18 investigation. All of these areas are going to have
19 a similar site investigation process that each
20 committee will have to get up to speed on the process
21 of investigating sites. And then each committee will
22 have to get up TO speed on cleanup alternatives on
23 determining how clean is clean versus having issues
24 that cut through all of them.

25 And instead of everyone parallel getting up

1 all the issues, like if you're looking at wildlife
 2 rehabilitation that is a possible site, we should
 3 like at that base-wide rather than to the specific
 4 site. I'm having a problem with looking at small
 5 parcels individually rather than sub-topics related
 6 to it, and going across also.
 7 BOARDMEMBER WILKINS: Well, to use wildlife,
 8 for example, the committees that I've identified here
 9 are the committees that have to do with the -- these
 10 are the five areas that have to do with the
 11 restoration of the Presidio. Wildlife issues don't
 12 have anything to do with restoration of the Presidio.
 13 That's why --

14 BOARDMEMBER CHAN: They need to determine
 15 what type of cleanups would be appropriate --

16 BOARDMEMBER HORENSTEIN: Well, maybe another
 17 example to that type of theme would be site
 18 investigation. All of these areas are going to have
 19 a similar site investigation process that each
 20 committee will have to get up to speed on the process
 21 of investigating sites. And then each committee will
 22 have to get up TO speed on cleanup alternatives on
 23 determining how clean is clean versus having issues
 24 that cut through all of them.

25 And instead of everyone parallel getting up

1 to speed on a whole cleanup process -- I mean, that's
 2 nice, but perhaps the other way to do it is really
 3 develop expertise, a committee on site investigation,
 4 and from the very beginning of the process they can
 5 transfer from one site to another instead of everyone
 6 coming up in parallel. It's an alternative approach.

7 BOARDMEMBER WILKINS: Well, as I understood
 8 the input from the various people in the group here,
 9 those types of issues would be managed by the
 10 workshops and presentations by technical experts in
 11 workshops that would discuss site investigation or
 12 would discuss some of the other things; they cross
 13 boundaries on all these things.

14 If you refer back to what the purpose of the
 15 RAB is, it's to provide advice on the restoration
 16 process. This is the restoration process. When the
 17 Army completes these five program areas and goes to a
 18 recommended decision and subsequent implement of the
 19 construction cleanup action, then the base is going
 20 to be clean.

21 BOARDMEMBER CHAN: If that's the case, the
 22 only way a RAB member could participate is by being
 23 on all those committees for the entire process. I'd
 24 rather sit in at meetings, work on those sites at a
 25 RAB.

1 BOARDMEMBER BAXTER: Could we just vote?

2 FACILITATOR BUFFORD: I'd like to hear a
 3 couple more views before we make that decision.

4 Saul, I think you had your hand up, and then Michael.

5 BOARDMEMBER BLOOM: Well, I have a couple of
 6 concerns about the duties and would like some
 7 clarification as well. Is it the intention of the
 8 Army to provide the documents related to each of
 9 these categories of activities to the entire RAB
 10 committee membership?

11 BOARDMEMBER WILKINS: Whatever the RAB
 12 membership wants to do.

13 BOARDMEMBER BLOOM: Well, to clarify the
 14 point of this RAB member, I would like to say we
 15 expect to get all the documents for all the
 16 activities.

17 The second thing is I see we're mostly
 18 dealing with CERCLA issues here, and I'm wondering
 19 what about the RCRA compliance activity that's going
 20 on right now. Why is that not included in this as
 21 well, considering that the guidance issued on June
 22 2nd does not preclude at all the RCRA and other
 23 related regulatory activities at this site? And
 24 particularly since RCRA helps manage sites, that they
 25 don't become problems in the future, I don't see why

1 that element was not included within the structure of
 2 the committee focuses.

3 BOARDMEMBER WILKINS: But that is included
 4 in the structure of the community focus because
 5 that's what the entire UST/FDS Program is about.
 6 It's a corrective action the Army is taking with
 7 regard to the storage tanks and fuel distribution.

8 BOARDMEMBER BLOOM: Storage tanks and the
 9 fuel distribution are not the limit of the RCRA
 10 responsibilities. To define this tightly, it really
 11 basically cuts out storage and other kinds of things
 12 that aren't related to underground storage tanks and
 13 fuel distribution.

14 BOARDMEMBER WILKINS: Do you have an
 15 example?

16 BOARDMEMBER BLOOM: Yeah, barrels. The
 17 barrels that you have sitting out there in parts of
 18 the Presidio we've seen around the 900 area and that
 19 sort of thing, around the motor pool areas. There
 20 are lots of barrels, paint and other areas that
 21 should be RCRA-managed that aren't.

22 BOARDMEMBER REINHARD: Well, Saul, should we
 23 maybe add as another committee suggestion
 24 environmental compliance generally, not just RCRA --

25 BOARDMEMBER BLOOM: I would agree with that,

1 you did, because they fit the actions that are --
2 that the Army is taking, and that's rational. I also
3 understand what Dexter started raising which was also
4 completely valid and rational, which is that instead
5 of cutting it vertically they can cut this process
6 horizontally.

7 The problem is that there are valid reasons
8 for doing it both ways, and to some extent it's going
9 to depend upon the program we're looking at. For
10 example, the UST/FDS Program is base-wide, is the
11 underground storage tanks and the fuel distribution
12 system. They're all over the place. It's rational.
13 It's arguably more rational for the community to
14 focus strictly on that program.

15 On the other hand, for an area as large as
16 the main installation, while that is a geographic
17 project -- no, that's not the term I want, but I
18 think you get the point -- for the Army, there are so
19 many different things involved in the main
20 installation area that it may be wiser to break those
21 functions out in a different manner.

22 In addition, we have a problem -- and this
23 is a problem right from the get-go -- involving the
24 main installation Public Health Service Hospital.
25 The reason these two things have been separated as

1 they have had nothing to do with environmental
2 cleanup. It had everything to do with the army's
3 belief at the time the Presidio was announced for
4 closure that the Public Health Service Hospital area
5 would be sold off to the highest bidder, and
6 therefore the Army wanted to get that process
7 underway more rapidly, as rapidly as possible, and it
8 started down the pipeline first. The main
9 installation has been followed. So, the Public
10 Health Service Hospital area has always been a little
11 ahead of the main installation.

12 But in terms of what needs to be done there,
13 it may be much more rational to not treat them as the
14 Army treats them but in the way Dexter suggested.
15 The problem is that 25 of us sitting around and
16 meeting about every one of these and coming up with
17 different ideas for what has been left off is a
18 highly inefficient way to figure out the best way to
19 proceed.

20 What I'd like to suggest is that we form a
21 small committee on the committees that report back,
22 that comes back to us -

23 BOARDMEMBER HORENSTEIN: Actually a steering
24 committee. That committee is really needed to do a
25 few things.

1 BOARDMEMBER ALEXANDER: Well, we may want to
2 give that community the full functions, but I think
3 if that committee were to have one meeting outside of
4 this meeting and come up with a set of
5 recommendations next month, it's going to save us a
6 lot of time tonight. And I don't think we're going
7 to get this settled tonight under any circumstances
8 because there are valid arguments for doing it one
9 way or the other, or merging on every one of these
10 suggestions we have made.

11 FACILITATOR BUFFORD: Michael, that's a good
12 comment because actually David had outlined about 13
13 to 18 different groups of committees and we tried to
14 pare them down so that we'd have at least a couple of
15 people on each committee. So, you're right. There
16 is a problem. And we do understand the urgency.

17 Rob?

18 BOARDMEMBER REINHARD: I wanted to pick up
19 and also address the idea of the committees. We need
20 to underline what Saul said about the documents
21 tonight, and not next month. The reason for that is
22 that on August 1st before we have yet even voted to
23 have another meeting, the public comment period
24 begins on the Remedial Action Plan for the Public
25 Health Service Hospital.

1 Although this is suggested as a committee,
2 in practical terms of the process that CERCLA
3 envisions, on August 30th the work of the committee,
4 the input from almost everybody, will be moot. And
5 there are at least half of the members around this
6 table who have not seen the primary principle
7 documents having to do with that decision. And we
8 have written a couple of letters now to the Army
9 saying that most immediately that set of documents
10 should be distributed to everyone here. And I think
11 that needs to be done, you know, within the next
12 couple of days as an urgent thing.

13 Also I think it's important for the group to
14 know that along with this advisory body and the
15 comments that we might make, that quite separately
16 the Army and the regulatory agencies meet once a
17 month. I forget what the formal title of that
18 meeting is called; the Remedial Project Managers
19 meeting? Is that what it's called?

20 And that is a meeting at which the
21 substantive real work gets done every month of, you
22 know, digging into this pile of information and
23 sorting it out and making decisions. And that is, in
24 a way, a group of the decision-makers. I think it
25 would be important for a member of the community

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 23 sorting it out and making decisions. And that is, in
 24 a way, a group of the decision-makers. I think it
 25 would be important for a member of the community

1 are here. All of the documents that are published by
 2 the contractors who work for the Army are published
 3 in these five program areas and among those five
 4 program areas.

5 The committees that I've suggested here
 6 represent those five program areas would serve the
 7 function of not only reviewing those documents, but
 8 talking about all of the issues related to each of
 9 these areas regardless of how large in scope they
 10 might be. And some of those issues may be natural
 11 resources issues, they might be RCRA issues, they
 12 might be barrels around the post issues, whatever it
 13 is. That's what the purpose of these committees as I
 14 suggested they are.

15 It's up to the community, however you choose
 16 to do that. This was merely my suggestion based on
 17 how the Army has organized its cleanup program. If
 18 you think that establishing a steering committee to
 19 come up with your own way of doing that plus
 20 additional committees, I feel it's important, and I
 21 think that's a great idea. The whole intent of it is
 22 to allow you as a community to have some structure to
 23 this RAB so you can provide advice to the Army as we
 24 go through the cleanup process.

25 FACILITATOR BUFFORD: There's another part

1 around this Advisory Board to be present at those
 2 monthly Remedial Project Manager meetings because
 3 what goes on in those meetings is something that
 4 community members also at least need to have an
 5 objective or represent the report on.

6 So, if we're talking about the work of the
 7 committees and the things that need to be done most
 8 immediately, those are my two most important
 9 nominations. First of all, get out the Public
 10 Service Health Hospital documents now and have
 11 somebody from the community membership be on one of
 12 the committees that is already ongoing, which is the
 13 Remedial Project Managers.

14 I like Michael's idea of having a committee
 15 of committees, and my only comment to that is that
 16 this list which is pared down might be pared down
 17 even further.

18 FACILITATOR BUFFORD: Okay. David, is that
 19 acceptable, to have a community person at your
 20 project managers' meeting?

21 BOARDMEMBER WILKINS: The whole purpose of
 22 organizing committees is to help the RAB have some
 23 type of structure to it. The Army has identified its
 24 structure for cleaning up the installation. That
 25 structure is defined by the five program areas that

1 to that question about attending the project
 2 managers' meeting, having a representative of the
 3 community.

4 BOARDMEMBER WILKINS: If anyone wants to
 5 attend those project managers' meetings, I think
 6 that's fine. I mean, it may be -- I'm not sure that
 7 the -- I don't have any problem with that.

8 FACILITATOR BUFFORD: You have no problem
 9 with that. Robert, would you prefer to represent the
 10 community entity in that respect?

11 BOARDMEMBER REINHARD: Well, to speak to my
 12 fellow community members, I'm willing to do that, but
 13 I think that -- you know, I suspect that, Bennett,
 14 you might want to be one of the people that does
 15 that. So I guess it's up to us as a group. They
 16 take place during the daytime, I assume on a weekday,
 17 right? Always unfortunate for everybody.

18 BOARDMEMBER WILKINS: The only other issue I
 19 have with that is that the Army is the lead agency,
 20 but there is also the other government agency that
 21 participated in that and I think it's only fair that
 22 we get their input to determine if they have any
 23 apprehensions about having a community member present
 24 at these project managers' meetings.

25 FACILITATOR BUFFORD: I know that we've

1 provided an important link to the community.

2 My only comment is that I think it would be
3 helpful to the community members here if that turned
4 out to be one person all the time. And I say that at
5 the same time I realize that it would be hard for one
6 person to find that time. But just for the sake of
7 continuity so that that one person would know what
8 happened from meeting to meeting, I think would be
9 helpful to the community. Maybe that wouldn't be
10 possible, but I noticed that at Castle Air Force Base
11 it seemed to work.

12 FACILITATOR BUFFORD: And there's one other
13 regulatory member here from the Water Board list.

14 BOARDMEMBER SUER: I'm Lynn Suer from the
15 Regional Water Quality Control Board. I have no
16 problem with it at all. I think it should probably
17 be most efficient to have one person attend rather
18 than changing people. Being new on the project
19 myself, I can tell you it's difficult to understand
20 what's going on and it would be most efficient.

21 BOARDMEMBER WALTERS: Well, in representing
22 the Park Service, we've been attending those meetings
23 for a period of time. We certainly support the
24 community in this. One thing I'd like to address,
25 too, that Dexter brought up, is the wildlife resource

1 issue. The Park Service is going to be taking it
2 over to the Presidio after November 1st. The mission
3 of the Park Service is to preserve and maintain the
4 natural resources. It's a very, very serious issue
5 with us.

6 That's a big consideration, just in terms of
7 the cleanup activity, the remedial actions that are
8 going to be selected. So we are very interested in
9 participating on a frequent basis every day to ensure
10 this.

11 FACILITATOR BUFFORD: I think we've come to
12 an agreement that yes you can have a public community
13 member sit in on the project managers' meetings, and
14 the preference is that there is one person who can
15 provide that consistency. We understand that that is
16 not always possible, but as Romy has indicated, all
17 of your minutes and records and all of your decisions
18 are public record. So, there is access to that,
19 whether you attend in person or whether you get those
20 documents that come out of there.

21 BOARDMEMBER REINHARD: Can we take a minute
22 to ask the community members -- like I say, if no one
23 else is available during the day, I am. But like I
24 said, I have a feeling, Bennett, you might want to be
25 doing it, or if there is somebody else among the

1 community members interested in doing this the
2 meetings are once a month.

3 FACILITATOR BUFFORD: And how long do they
4 last?

5 BOARDMEMBER WALTERS: Couple hours.

6 BOARDMEMBER REINHARD: Yeah, with the idea
7 that -- I suspect that community members are going to
8 want to meet as a group and be outside of this and --
9 well, you know, be all ears in order to learn about
10 what is going on in these meetings. If it's
11 difficult for you to go one time and you want to
12 trade off ...

13 FACILITATOR BUFFORD: So the two of you will
14 work it out.

15 BOARDMEMBER REINHARD: Did anyone else have
16 an interest in doing it?

17 FACILITATOR BUFFORD: Jan?

18 BOARDMEMBER BAXTER: I have another question
19 about the committee. I understand we're not going to
20 decide what role we are going to take tonight, but is
21 it the intent that people on the committee will give
22 comments only on things in that and not on other
23 documents, or --

24 FACILITATOR BUFFORD: No, no. Some people
25 have special interests and special expertise. So, we

1 wanted to make sure we provided enough room for them
2 to work in those areas they're most interested.

3 BOARDMEMBER HORENSTEIN: Give some structure
4 to the type of work we're trying to do. For this
5 meeting maybe to be briefing of the committees we're
6 structuring for a tremendous long agenda.

7 BOARDMEMBER BAXTER: Well, would it be
8 valuable to find out from members of the community
9 whether they prefer basically a theme or generic
10 approach or structure type of approach, so that if we
11 do set up a committee we at least have some base
12 information what most of the members want?

13 FACILITATOR BUFFORD: Okay. Is that what
14 you would want to suggest, Mike?

15 BOARDMEMBER ALEXANDER: See, I don't feel --
16 I think it's going to be a case-by-case analysis.

17 And I suggested a couple of examples that could more
18 logically go one way than another. But I think that
19 that requires somewhat more discussion, and that's
20 why I suggested a steering committee, to thrash that
21 out more intensively than we're able to.

22 BOARDMEMBER BAXTER: But if you know, for
23 instance, like three quarters of the community
24 prefers a more theme approach, then you might
25 structure whatever you suggest to show the majority

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 15 BOARDMEMBER ALEXANDER: See, I don't feel --
 16 I think it's going to be a case-by-case analysis.
 17 And I suggested a couple of examples that could more
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 20 why I suggested a steering committee, to thrash that
 21 out more intensively than we're able to.
 22 BOARDMEMBER BAXTER: But if you know, for
 23 instance, like three quarters of the community
 24 prefers a more theme approach, then you might
 25 structure whatever you suggest to show the majority

1 that kind of approach and some of the others you
 2 think are logical, critical.
 3 BOARDMEMBER ALEXANDER: You'd have to have a
 4 show of hands to see if people have strong views on
 5 which way to go. But again, my point is that I don't
 6 think it all goes one way or all goes the other way.
 7 I think it's a mix.
 8 FACILITATOR BUFFORD: Can we leave it up to
 9 the community co-chair and the community members to
 10 come up with that decision?
 11 BOARDMEMBER LEVINE: What you're doing is
 12 just throwing it right back in to what it was before.
 13 FACILITATOR BUFFORD: Well, because it's
 14 your opportunity to do it your way. We came up with
 15 a structure and you can disband that, you can reduce
 16 that.
 17 BOARDMEMBER LEVINE: We'll, you've made a
 18 step. The step is to be able to attend the meetings;
 19 that's once a month. The next step logically is that
 20 -- my way of thinking, is that the next meeting is
 21 too far away. That's a month away. I think what
 22 should be done now is to possibly set up a committee
 23 -- or a next meeting so we can discuss the structure
 24 of what the subcommittee will be after the chair and
 25 the co-chair and alternate co-chair have a chance to

1 get down and see what can be done.
 2 FACILITATOR BUFFORD: Okay, to work
 3 together.
 4 BOARDMEMBER LEVINE: I think you have to
 5 right now instead of waiting until the middle of
 6 August for another meeting to be able to schedule
 7 something.
 8 BOARDMEMBER REINHARD: Michael, what's your
 9 idea, this idea of a committee on committees within
 10 the next week?
 11 BOARDMEMBER ALEXANDER: Well, I would
 12 suggest to try to meet within the next few days, make
 13 a set of recommendations and distribute that, to go
 14 through the Army, to the committee members. Then
 15 we're briefed at the next meeting. I agree, Sol,
 16 with you, that I think we're going to need a meeting
 17 sooner than four weeks from tonight, and the
 18 reason -- but I think the reason is much more
 19 pressing than the one you raised. I think the
 20 primary reason is because we are facing an immediate
 21 deadline with the Public Health Service Hospital.
 22 BOARDMEMBER CHAN: Can we take a second?
 23 One thing that -- I wanted to revisit a topic we
 24 tabled earlier, which is that meeting two weeks ago,
 25 one of the important things that came up out of that

1 meeting I think is critical, and missing for the
 2 discussion on meetings, is that a lot of RAB members
 3 don't know the priorities, things going on.
 4 We can make a decision on which committees
 5 are most appropriately formed. That goes back to
 6 learning time lines and time tables, and other
 7 technical committee members have been kind enough to
 8 express the fact that there be a time line. It would
 9 be nice if we all are brought to speed in terms of
 10 the whole time line issues and priorities and where
 11 steps are and what things needs to be prioritized,
 12 because I can see like on that list of structured
 13 sites, Public Health Service won't be a committee
 14 after two or three months, and then what happens
 15 after one month? So, I mean, it would be nice to be
 16 able to have activity on the committee that would be
 17 appropriate for that time line.
 18 FACILITATOR BUFFORD: Okay. That's sort of
 19 not true, because even though you select a ribbon,
 20 the process continues until the design, the operation
 21 and maintenance and the whole thing is cleaned up.
 22 So I, mean, you will have work. I ask David
 23 specifically, of all of these --
 24 BOARDMEMBER CHAN: Irrespective of that,
 25 each site is a different time line.

1 BOARDMEMBER MCKLEROY: Well, let's say we
2 get through all this procedural problem and three
3 months down the line we're running like a well oiled
4 machine. What's a meeting like this going to look
5 at? Are we going to walk in here and are we going to
6 be briefed on what is occurring, what the problems
7 are? Are we going to be getting this sort of
8 information from committees who are working in
9 concert with this group? You know, how are we going
10 to work well?

11 And that's how we have to organize our
12 committees, so that we have to be able to walk into
13 these meetings and not have our time wasted. We want
14 to be able to be informed. You know, I don't want to
15 have -- you know, a lot of stuff comes in in dribs
16 and drabs which is okay, you know, you can get
17 through it. But when we come to a meeting, I'd
18 really like to have it be set up in a such fashion
19 that we can really gain the information we need to do
20 so we can do the two items that are the primary
21 purposes, which is to advise the Army on what we see
22 and also to make sure that we can advise our
23 communities.

24 See, that's what I'm doing, and often times
25 people say, "What's going on?" So that's an

1 important part of this well oiled committee, I would
2 think, to be able to say, "Okay this is what's
3 happening now at the time line; this is what some of
4 the decisions are that they're mulling over; do they
5 want our help, or is our help needed?"

6 And these are the kinds of things -- how can
7 we form the committees to get to possibly that goal?
8 Now, that may not be the goal of this group, but
9 that's how I see it anyway.

10 BOARDMEMBER WILKINS: Let me just kind of
11 reiterate what I said earlier by adding to it the
12 fact that at the last RAB everyone was issued a copy
13 of the BRAC Cleanup Plan. And if you haven't had an
14 opportunity to read that and try to digest some of
15 the information, I suggest that you do so. Granted,
16 that document is in a draft form, but the reason we
17 gave that to everyone was to answer questions about
18 time lines, to answer questions about what the Army
19 is doing at the installation.

20 The Army addresses those issues, maybe not
21 to your satisfaction, but it addresses all the issues
22 for the five areas that I suggested as possible
23 committees. It talks about compliance strategies,
24 what we're doing now, what we're going to do in the
25 future. The whole spectrum of all of your concerns

1 are listed in the BRAC Cleanup Plan. So I would
2 offer that to you as a source to try to get yourself
3 up to speed in one document that gives you an
4 overview of what's going on.

5 And in terms of providing the structure of
6 having a productive meeting when you come in, what I
7 envision that the group might want to do is give a
8 structure that I suggested and have the group leaders
9 from each of the committees come in and talk about
10 the issues related to the main installation or the
11 issues related to the Public Health Service Hospital
12 area or whatever. Those committees can discuss that,
13 bring it back to the group, and talk about what's
14 going on.

15 I certainly recognize your concerns about
16 that structure, horizontally versus vertically, but
17 whatever you do, whatever you as a group decide to
18 do, that needs to be the goal, so when we come back
19 to the meetings, whatever particular areas or
20 committees that you have in mind, if those are to be
21 agenda items for that night, that's what you talk
22 about, "Here's what our committee is working on;
23 here's the issues we're concerned about; this is what
24 the army's position is, where the Army is going; and
25 more important, here's what we are going to advise

1 the Army on because of what we know about the
2 particular thing."

3 FACILITATOR BUFFORD: Also I'd like to add
4 you have a community co-chair now and you can feed
5 your agenda items to your community co-chair who will
6 represent your interests and your concerns about
7 certain issues, certain documents, et cetera, in
8 addition to the reports that you'll get from the
9 subcommittee's heads or leaders.

10 BOARDMEMBER BLOOM: I think we have to
11 proceed in a cul-de-sac. So, I'd like to get us back
12 to Michael's proposal, see if we can get an agreement
13 about getting the community together, telling people
14 to look the committees up and make recommendations to
15 change, and take that item first, and then take the
16 item about whether or not we're going to request an
17 earlier meeting as the second item of that proposal.
18 So, if that would be acceptable, I'd like to move
19 that.

20 FACILITATOR BUFFORD: Is that acceptable to
21 the community members? That is acceptable. Okay.
22 So, your community co-chairs will work with him on
23 the subcommittees, the agenda and --

24 BOARDMEMBER BLOOM: No, no. I'd like to get
25 a consensus -- actually the agenda; to get a

1 the Army on because of what we know about the
2 particular thing."

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7 certain issues, certain documents, et cetera, in
8 addition to the reports that you'll get from the
9 subcommittee's heads or leaders.

10 BOARDMEMBER BLOOM: I think we have to
11 proceed in a cul-de-sac. So, I'd like to get us back
12 to Michael's proposal, see if we can get an agreement
13 about getting the community together, telling people
14 to look the committees up and make recommendations to
15 change, and take that item first, and then take the
16 item about whether or not we're going to request an
17 earlier meeting as the second item of that proposal.
18 So, if that would be acceptable, I'd like to move
19 that.

20 FACILITATOR BUFFORD: Is that acceptable to
21 the community members? That is acceptable. Okay.
22 So, your community co-chairs will work with him on
23 the subcommittees, the agenda and --

24 BOARDMEMBER BLOOM: No, no. I'd like to get
25 a consensus -- actually the agenda; to get a

1 consensus is not in the record -- on whether or not
2 we'd like to have a subcommittee meet within the next
3 couple of days to deal with this. Is that an
4 agreement among ourselves?

5 BOARDMEMBER HORENSTEIN: Why don't we set up
6 a subcommittee?

7 BOARDMEMBER REINHARD: How many people are
8 interested in participating in that?

9 FACILITATOR BUFFORD: Can you call your
10 names out for the record?

11 BOARDMEMBER LEVINE: Sol Levine.

12 BOARDMEMBER HEALY: Mike Healy.

13 BOARDMEMBER BAXTER: Jan Baxter.

14 BOARDMEMBER MONAGAHN: Jan Monagahn.

15 BOARDMEMBER GEWERTZ: Heidi Gewertz.

16 BOARDMEMBER HORENSTEIN: Bennett Horenstein.

17 BOARDMEMBER GIRARDOT: Joan Girardot.

18 BOARDMEMBER FUENTES: Regulatory agencies
19 excluded. (Laughter)

20 FACILITATOR BUFFORD: Would you like the
21 regulatory members present?

22 BOARDMEMBER REINHARD: Do you really want
23 to?

24 BOARDMEMBER FUENTES: (Inaudible) (Laughter)

25 FACILITATOR BUFFORD: Okay. I'd also like

1 to invite participation from the members who are not
2 official RAB members who are sitting in the audience,
3 if you have any views or comments or concerns, you're
4 more than welcome to participate. No takers. Okay.

5 BOARDMEMBER HORENSTEIN: Are we also going
6 to set a date for this meeting?

7 FACILITATOR BUFFORD: Rob, would you like to
8 set a date now, or would you like to --

9 BOARDMEMBER REINHARD: Let me just recap a
10 couple of things. First of all I want to read back
11 the list of people who have expressed interest in
12 this. Sol Levine, Michael, Jan Baxter, Jan Monagahn,
13 Heidi Gewertz, Joan, Andrew and Bennett and Romy. So
14 that's nine. I wonder whether we want to make it a
15 smaller committee. Just because -- and I don't know
16 if somebody wants to say, oh, maybe in the interest
17 of having it be a smaller committee.

18 BOARDMEMBER MONAGAHN: I will.

19 BOARDMEMBER HORENSTEIN: I will.

20 BOARDMEMBER REINHARD: So there we go. We
21 have it there.

22 BOARDMEMBER CHAN: If anyone has a couple
23 ideas, can we take it to you?

24 BOARDMEMBER REINHARD: Yeah, if anyone has
25 ideas that they want to be considered, a list or

1 whatever, my fax number is on that sheet. So for the
2 rest, we could either do this, I guess, physically or
3 try to arrange a conference call, depending on
4 people's schedules. Maybe before we all leave this
5 evening we can meet in the corner of a room and
6 figure out how we're all going to get together in the
7 next couple of days.

8 FACILITATOR BUFFORD: Any objections?

9 BOARDMEMBER REINHARD: I also think that
10 David's response before about what's going to happen
11 from these committees, that the people will come out
12 of them and report back about issues, that was a
13 great idea and that's exactly the way we'd like them
14 to function.

15 FACILITATOR BUFFORD: Okay. Thank you.

16 The next item on the agenda is determining
17 topics and frequencies of workshops, identified start
18 dates and selected topics, pick the date for those
19 workshops, frequency, et cetera. Rena sent out these
20 documents soliciting your concerns about what kinds
21 of workshops you need. I think she said she received
22 about five in the mail and she'd like to collect the
23 rest of those and tally them and feed that back to
24 you at the next meeting.

25 However, David has already said he's ready,

1 first workshop, and, two, how often do you want to
2 have it?

3 BOARDMEMBER REINHARD: Well, I think we're
4 at a little bit of an awkward position here because
5 in some sense some workshops proceeded already. And
6 I think there are two questions; first of all, people
7 who didn't happen to go to the workshops, do they
8 still feel the need to find out those things that you
9 haven't talked about?

10 And I think the original idea of the
11 workshops, I think this came out from what Joan was
12 saying originally about them, was that there was some
13 frustration about the problem of getting up to speed
14 and, you know, taking time to organize this stuff,
15 and this idea of, you know, mailing back
16 questionnaires and talking about it again at the next
17 meeting -- and who knows when that is unless we
18 schedule another one beforehand -- it seems, if I
19 read this right, slowly. So, can we do something
20 here tonight about thinking of workshops?

21 BOARDMEMBER WILKINS: Let me just correct
22 one part there. I mean, we're not going to postpone
23 this until the next meeting. I mean, the idea was
24 for everyone to bring the surveys back tonight. I
25 mean, we can make that determination tomorrow of what

1 the five most popular topics are. And once given a
2 date from the group and once given how often you want
3 to have it, we can have the first workshop maybe next
4 week, as early as next week.

5 So, there was no intention, or I didn't want
6 to miscommunicate, if I did, that we were going to
7 postpone this until the next meeting. I want to do
8 this as quickly as possible because you as a group
9 have expressed your interests in getting this thing
10 rolling.

11 BOARDMEMBER HORENSTEIN: I have just a
12 thought that comes to my mind. I've heard a few
13 times tonight that this hospital was moving along.
14 And if that's correct, I'd be interested, perhaps in
15 doing a workshop on that specifically to find out
16 really where it's going and where it's at, what are
17 the issues involved there. More of a -- not a
18 technical issue workshop, but more of a working
19 workshop, which has a different twist on it. But
20 given the time line, I just thought I'd ask.

21 BOARDMEMBER BAXTER: Could I suggest that
22 maybe we pick tonight, like, we want to do that at
23 the first of next week because of the time and then
24 set up a one-day a week if people want it that
25 frequently? And then sort of after David gets the

1 responses back you could fill in that particular set
2 of time that we're starting the process, and you have
3 your first vote, which makes a lot of sense, because
4 it's time critical, and, like, fill it in as we go.

5 BOARDMEMBER CHAN: I agree with that in
6 theory, but rather than just the Public Health
7 Hospital, could we look at the transfer sheet?

8 BOARDMEMBER BAXTER: Sure. I mean, the
9 Public Health -- you mean two workshops, or --

10 BOARDMEMBER CHAN: Yeah, either that or find
11 a way to fill it in, make it part of -- it's sort of
12 like a lid, but it isn't. I'm worried about the
13 October 1st deadline.

14 BOARDMEMBER BAXTER: Right. The Public
15 Health Service Hospital deadline, I think, has to do
16 with the public comment period, because after a
17 certain time you're not supposed to get them. So you
18 have a little more time to get familiar with the
19 transfer issues. So, it might be maybe the second
20 workshop people would like to have will be on that.
21 But if you set the one day, you have a great deal of
22 work and you can adjust your topics as whatever comes
23 up.

24 FACILITATOR BUFFORD: You're looking at time
25 limits and what the priorities are in terms of the

1 cleanup.

2 BOARDMEMBER BAXTER: Well, I think that
3 right now at this point in time people have a few
4 things they want right away, and there is time enough
5 to figure out what they want next after you set the
6 process up and framework. So, I don't think we need
7 to decide anything more than the first one or two
8 meetings right now, and then we'll have the framework
9 that we'll discuss at either the committee and RAB or
10 whatever as to what.

11 FACILITATOR BUFFORD: So there are two
12 significant actions here, Michael. Do you have a
13 problem with that?

14 BOARDMEMBER ALEXANDER: No, I have no
15 problem with that. I think this is the right way to
16 go. I'm wondering on the transfer issue -- I think
17 we really do need to move very quickly on the Public
18 Health Hospital, I agree. I'm wondering, on the
19 transfer issue, as big and important -- my gut
20 feeling is that there is going to be a consensus
21 tonight about having a meeting in two weeks, have the
22 next RAB meeting in two weeks, and if we have a
23 training on the Public Health Service Hospital in a
24 week and then have the second one on transfer a week
25 later, that might be done in conjunction with the RAB

1 cleanup.

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22 next RAB meeting in two weeks, and if we have a
23 training on the Public Health Service Hospital in a
24 week and then have the second one on transfer a week
25 later, that might be done in conjunction with the RAB

1 meeting so we -- and you lose a couple of hours, just
2 getting everyone together.

3 So, if we are going to have a RAB meeting in
4 two weeks and we do the transfer training at the same
5 time, perhaps start it half an hour early -- does
6 somebody have a sense of how long that transfer issue
7 would take?

8 BOARDMEMBER BAXTER: I don't really have a
9 sense of time on this. I think in general you would
10 want to keep your RAB meeting separate from your
11 workshops because your workshops -- we don't have
12 hardly enough time to get a lot done at RAB as it is.
13 But in terms of if it were to happen it would sort of
14 have to be determined if they wanted to meet twice a
15 week or not, and they would have to decide on -- on a
16 weekly basis where they have a RAB meeting, if they
17 wanted to incorporate RAB and the workshop together.

18 I would suggest that you wouldn't have
19 enough time to get the people together you want, if
20 you're trying to cut your time so short.

21 AUDIENCE MEMBER: I have a question. What
22 does the -- I thought the RAB is supposed to deal
23 with environmental cleanup issues. What does the
24 transfer issue have to do with environmental cleanup?
25 Environmental cleanup is beyond the transfer. That's

1 just a general question.

2 BOARDMEMBER BAXTER: I think the general
3 idea is people don't know how the transfer is going
4 to affect the environmental cleanup or what needs to
5 be done before the transfer or after the transfer or
6 what's going to happen. I think it's just sort of
7 information about the process.

8 BOARDMEMBER CHAN: Yeah, there is a little
9 bit of confusion, I think, about -- not technical
10 liability, but in terms of what sort of things are
11 kind of -- by October 1st, the Army does it, if they
12 don't do it by then. They're not being held --
13 they're legally held to the code. It kind of goes to
14 the Park Service, and there's no more
15 responsibility... it seems like it's a difficult
16 thing, but it's two different agencies so it's a
17 little unique.

18 BOARDMEMBER O'HARA: Why are we getting
19 involved in the legal aspects?

20 BOARDMEMBER CHAN: Because cleanup takes a
21 period of time --

22 BOARDMEMBER O'HARA: But that's a legal
23 decision. That has nothing to do with this board.

24 BOARDMEMBER WALTERS: Actually, it's not
25 just a legal decision. The Army has to provide an

1 adequate Environmental Baseline Survey documenting
2 environmental history of the site. And I think
3 everybody in this room is really interested in that,
4 and it definitely pertains to the environmental
5 cleanup of the facility.

6 BOARDMEMBER O'HARA: But whether they do it
7 or don't is a legal matter.

8 BOARDMEMBER BLOOM: Actually it's more than
9 a legal matter because it grandfathers in a variety
10 of different activities, and --

11 BOARDMEMBER O'HARA: But that's still a
12 legal matter. The ramifications of what the law is
13 is a legal matter --

14 BOARDMEMBER BLOOM: Even talking about this
15 process is a legal matter from the very fact you're
16 sitting in that seat. All this stuff that we're
17 going to be reviewing is in some way mandated by
18 legal authority. So, I think that the reports of the
19 Environmental Baseline Survey that is complete and
20 adequate prior to the finding of the suitability of
21 the lease, which is the mechanism by which the
22 Presidio will be transferred is fundamental to the
23 work of this committee.

24 Understanding whether or not -- you know,
25 looking at the Baseline Survey, looking at the

Baseline Survey and the
Environmental Impact
Statement) "...

So, what are we arguing about?

BOARDMEMBER WALTERS: I think we're confused
about what you mean by it being a legal matter.

BOARDMEMBER BAXTER: I was just trying to
understand the focus of your comment, what you
thought we were --

BOARDMEMBER O'HARA: Well, I'm not sure
where I thought this was going. I thought you were
addressing the legal aspect of it.

BOARDMEMBER BAXTER: That wasn't my intent.

BOARDMEMBER ALEXANDER: Let me try to
restate it. Maybe that will help clarify the point.
There is a considerable amount of concern among many
of the public members of this group that a certain
level of responsibility shifts on October 1st, and
that it's vital to take a look at the Environmental
Baseline Survey before that date to comment on that,
to advise the Army about that, because there are
questions about its adequacy.

And this group -- one of this group's
charges is to comment on and express individual
opinions, consensus of opinions on the adequacy of

the document. The adequacy of the document on
October 1st, as I understand it, will have
ramifications of who's responsible, who pays down the
line.

And that's why I think it's important to
understand exactly what the ramifications are, what
the responsibilities are, what the potential for
arguing who's responsible might be after October 1st.
And that's part of our charge. Arnold pointed it out
precisely; that's specifically one of the things we
are supposed to look at.

So, yes, all this stuff is governed by law,
and we all work within a framework of the law, but
this is one of our charges. Does that help?

BOARDMEMBER O'HARA: Well, my sense is does
the environmental liability shift or doesn't it?

BOARDMEMBER ALEXANDER: I'm not ready to
answer that question, but I have a lot of concerns
about it, and I keep hearing a lot of concerns about
it. And to some extent it seems that there is a gray
area that can open up after October 1st, and it
changes from clear responsibility to a potential for
finger pointing about who's responsible.

FACILITATOR BUFFORD: You may want to
explain the difference between the leasing and the

1 transfer.

BOARDMEMBER ALEXANDER: Well, that's one of
the things I want to get educated on. That's why I
want to have this workshop real fast --

FACILITATOR BUFFORD: -- is coming from and
why that workshop is needed. Joan?

BOARDMEMBER GIRARDOT: I have a question.
What is the basis for your fear, the people that just
spoke, that if certain things are not advised or
whatever, if we don't review what you determine an
adequate Environmental Baseline Survey by the
transfer date -- what's the basis for your fear that
the Army isn't liable for the cleanup? The law says
they are. I don't understand the basis for your
fear.

And my second question is that four members
of this committee served on the Technical Review
Committee for a couple of years, and I assume that
you have been urging that whatever you feel is an
adequate Environmental Baseline Survey be done.
Well, why have you not accomplished this?

BOARDMEMBER REINHARD: There is a concern
about liability being transferred also. The law does
not say that the person who put the chemical in the
ground is the only person that's liable. The law

1 says that including that person, anybody who merely
owns and operates the facility, even after they have
received it from the person who put the chemical in
the ground, is also potentially liable.

Now, there is this sort of this gentleman's
agreement that the Army has said publicly and in
front of all of us, "We're going to stay here until
it's all cleaned up, and we've taken on that
responsibility. But those are just words. That's
not really the way the law literally works. And if
the Army, for some reason, ran out of money because
of a budget shortfall, or --

BOARDMEMBER ALEXANDER: That's not the way
budgets work, though.

BOARDMEMBER REINHARD: -- or if they dispute
it, that some finding of a chemical in the ground
really happened on their watch rather than the day
after, then those questions become very real, that
the Park Service, merely by taking over the reins,
becomes liable for quite a lot of monetary
responsibilities.

BOARDMEMBER CHAN: It's not just the Park
Service, but the leasers.

BOARDMEMBER REINHARD: That's the other
concern. The people who the Park Service want to

1 says that including that person, anybody who merely
2 owns and operates the facility, even after they have
3 received it from the person who put the chemical in
4 the ground, is also potentially liable.

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6 agreement that the Army has said publicly and in
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11 the Army, for some reason, ran out of money because
12 of a budget shortfall, or --

13 BOARDMEMBER ALEXANDER: That's not the way
14 budgets work, though.

15 BOARDMEMBER REINHARD: -- or if they dispute
16 it, that some finding of a chemical in the ground
17 really happened on their watch rather than the day
18 after, then those questions become very real, that
19 the Park Service, merely by taking over the reins,
20 becomes liable for quite a lot of monetary
21 responsibilities.

22 BOARDMEMBER CHAN: It's not just the Park
23 Service, but the leasers.

24 BOARDMEMBER REINHARD: That's the other
25 concern. The people who the Park Service want to

1 attract as tenants could also be potentially liable,
2 and the fear is they're going to be scared off and
3 not want to become tenants because they can not
4 receive the protections or defenses or immunities
5 that they would like to have in order to go into
6 those built-ins or onto those properties. So, I'm
7 not saying the law was written correctly. In fact, I
8 will say many times it wasn't. But that's the way it
9 works.

10 On the other question you mentioned, what
11 were we doing all last year, I have two things to
12 say. One is that these findings of suitability in
13 the Baseline Survey I think are relatively recent.
14 And the other is that we have argued many times with
15 the Army that they should do more, do better. But
16 their posture so far is they don't always have to
17 listen to us.

18 And I think there are legal arguments on
19 both sides of that, whether they do or they don't;
20 kind of as David said in the beginning, that we are
21 an advisory body in the sense that we can make
22 comments and we can persuade and as make as best an
23 argument as we can. And one of the reasons I'm quite
24 eager for the workshop on the Public Health Service
25 Hospital is because there is some very controversial

1 issues like that coming up. And we do need more
2 voices to say, "Yeah, do that."

3 BOARDMEMBER GIRARDOT: Are there guidelines
4 to what is an adequate Environmental Baseline Survey?
5 I mean, you seem to have some disagreement, the
6 Technical Review Committee members versus what the
7 Army has produced.

8 BOARDMEMBER REINHARD: Yeah, but I don't
9 think they're all black and white.

10 BOARDMEMBER GIRARDOT: So it's a gray area.

11 BOARDMEMBER REINHARD: Yeah. I think it
12 brings up questions where, you know, honest people
13 can disagree, and it's a matter of, you know, lining
14 up your ducks to figure out why your interpretation
15 is better or why it should be more --

16 BOARDMEMBER CHAN: But essentially the RAB
17 deal is another question, "How clean is clean?"

18 BOARDMEMBER WALTERS: Well, for example, to
19 give you a very clear cut example, as you know, the
20 Park Service has been giving the leasing authority
21 for the Letterman facility complex and somehow that
22 whole area, that 55 area slipped through the enhanced
23 preliminary assessment, slipped through the Remedial
24 Investigation just in terms of any kind of
25 environmental baseline condition information at all.

1 So we the Park Service have to go back now,
2 and that's exactly what we are doing. We have hired
3 a contractor to go out and do an environmental
4 condition assessment on certain buildings to get an
5 idea about what's gone on there. So, that's just one
6 area, one area of the installation.

7 And when we look at the other remaining
8 document, what's called the Environmental Baseline
9 Survey or the CERCLA document, we've got other series
10 of inadequacies. So, it really does benefit us to
11 take a much closer look to make sure that, you know,
12 we the Park Service and you as community leaders,
13 interested parties and stakeholders, understand about
14 what is being transferred and where the liability is
15 going to lie, because basically it costs millions of
16 dollars, and this is really the army's
17 responsibility. It's their contamination. It's
18 their chemicals in the ground. Is that clear?

19 FACILITATOR BUFFORD: So, David?

20 BOARDMEMBER WILKINS: Well, there's a great
21 deal of misunderstanding here tonight, and I would
22 like to at least help bring it to a close rather than
23 to help confuse people more.

24 First of all, the transfer and leasing
25 aspects that are going on at the Presidio is an issue

1 Service to want to discuss transfer and leasing
2 issues at this level. All of the issues regarding
3 transfer and leasing -- and let me repeat this --
4 have already been decided. To try to rehash or
5 attempt to rehash them here at our level is going to
6 divert us from the purpose of what we're here for,
7 and that is to discuss restoration and provide
8 appropriate advice to the Army.

9 I understand that the Park Service, local
10 officials of the Park Service, including Martha
11 Walters and other people in the organization, may not
12 be satisfied with what the Department of the Interior
13 and the Department of Army have agreed, but they have
14 agreed. And if you want to know what that is, it's
15 in Subagreement VII.

16 BOARDMEMBER ROSSI: Just to clarify, may I
17 say a few points based on the issues before us here,
18 is we're not supposed to kind of represent both
19 sides. You're absolute right. Let me support the
20 gentleman who said if it is a legal matter, it's not
21 the RAB's business to deliberate or give advice on
22 legal matters, okay? Just on cleanup matters, which
23 I think is fine. That's a contention earlier, that
24 we should not be looking at this particular issue
25 with respect to the transfer because of the transfer.

1 the right, this body has the right to look at that.

2 BOARDMEMBER WILKINS: They're in the
3 repository and are available for review.

4 BOARDMEMBER ROSSI: Okay. Now, hold on.
5 They have a right to look at it. But keep in mind
6 that the focus of your review is not so much as to
7 evaluate who would be liable for what, and who is
8 going to pay for what, and whether or not somebody is
9 going to have enough money for what, but just like it
10 says right here, to support the ultimate reuse.

11 Why? We exist for only one purpose, under
12 the FACA Cleanup Program, and that is to expedite the
13 cleanup effort so that it can be made -- so that it
14 can be reused with whatever purposes that we use --
15 in this particular case is the National Park Services
16 as intended. Why? Because we don't want that piece
17 of property to sit there draining on the federal
18 treasury and becoming an eyesore in the community for
19 longer than it has to. That's why we exist as a
20 body. So, our focus and our thrust, our inertia,
21 whatever, has to be towards rapid reuse of the
22 property.

23 BOARDMEMBER BLOOM: To follow up on that
24 point, that's one of the real critical points the
25 president has stated in his original implementing

1 What I was trying to do -- and let me make a
2 final adjustment, because you offered this document
3 as the responsibility of the RAB, and it is a closing
4 installation, that's the Presidio; it is closing.

5 Part of the closing process is the transfer of
6 property. Part of that transfer of property -- and I
7 must correct you that the Department of Interior --
8 we've got to be honest -- and the Department of Army
9 have not yet agreed on the transfer documents, okay?

10 They've agreed on the process whereby
11 Subagreement VII will proscribe the manner by which
12 environmental cleanup of the Presidio will be done in
13 the transfer, but the transfer documents have not
14 been yet been finalized. So, you can't say that's
15 already been decided. You have to be accurate. This
16 is not to say that what has been done is wrong or not
17 in compliance with those subagreements; they are; at
18 least we've tried to comply.

19 But the issue here is if the RAB wants to
20 pursue the evaluation or the review of the
21 environmental documents, for example the Environment
22 Baseline Survey and the Environmental Impact
23 Statements, that support the transfer of a parcel of
24 property from the Army to the Park Service, according
25 to your responsibility that you handed out, they have

1 guidance for RABs that was produced on September 9
2 last year. It's been re-emphasized in all the
3 subsequent guidances that have come out, and part of
4 it has to do with compliance with the National
5 Environmental Wildlife Policy Act.

6 Now, NEWPA is the document that provided the
7 authority under which Subagreement VII was finalized.
8 A number of us have questions as to whether or not
9 Subagreement VII actually complies with the needless
10 public involvement component. Part of the job of a
11 good RAB is to keep both parties out of court. So
12 our interests in reviewing these documents and the
13 Environmental Baseline Survey is to expedite base
14 reuse.

15 So, as we relate to the legal issue, that is
16 one of the really clear ways in which our
17 responsibilities with the Environmental Baseline
18 Survey and other things really come into play.
19 Subagreement VII is part of it, but is not a final
20 word. It's not a final document in terms of how the
21 process is going to be, what the agreements are.

22 And a number of us have substantial concerns
23 about what that document says and the process by
24 which the Army used to develop that agreement. So, I
25 think that if we can get these final points, the

1 guidance for RABs that was produced on September 9
2 last year. It's been re-emphasized in all the
3 subsequent guidances that have come out, and part of
4 it has to do with compliance with the National
5 Environmental Wildlife Policy Act.

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19 Subagreement VII is part of it, but is not a final
20 word. It's not a final document in terms of how the
21 process is going to be, what the agreements are.

22 And a number of us have substantial concerns
23 about what that document says and the process by
24 which the Army used to develop that agreement. So, I
25 think that if we can get these final points, the

1 purpose is for us to get good reviews in to you guys
2 so that you can go ahead and make the right decisions
3 and keep us all moving on the path forward.

4 BOARDMEMBER REINHARD: I have maybe another
5 focus or interest in these documents that we're
6 talking about, and I think it is very much related to
7 restoration and a little bit like Joan was asking,
8 you know, "Why do we care?" What I understand about
9 the contents of these documents -- and I share with
10 Michael an interest in learning more about what they
11 really are -- part of them are what they call these
12 CERCLA documents, which are decisions by the Army
13 that, "We've looked at our records on this and here's
14 an area, here's a plot of land which we call no
15 problem because there's never been a hazardous
16 substance there; clean bill of health here, transfer
17 it over."

18 Well, I'd like to be able to question that
19 assessment. How do we know that no substance has
20 been there? The purpose of the Remedial
21 Investigation document, the main installation, is to
22 ask that very important question. And I regard these
23 documents that we're talking about as just another
24 source of information that pertains to the RI phase,
25 Remedial Investigation. It's not part of the RI

1 document, but it asks a similar question.

2 And that's my interests. I'm not interested
3 in did it comply with Subagreement VII or, you know,
4 whatever. It's that restoration purpose that I want
5 to find out about.

6 FACILITATOR BUFFORD: Here's a question from
7 the audience.

8 MS. GROVE: My name is Jennifer Grove, and
9 I'm with the Department of Interior. One of the
10 issue that I want to mention here is it has not been
11 finalized -- Dave, in contrary to what you've
12 mentioned -- what exactly is entailed in the
13 Environmental Baseline Survey. We had a discussion
14 last week, the Army Corp of Engineers, particularly
15 people who were in charge of putting together the
16 documentation and this issue came up.

17 We are going to have a meeting in the next
18 two weeks with John Buck and with you, Dave, and with
19 any of the people from the Park Service regarding
20 this issue to try to finally come to a conclusion on
21 what exact environmental documentation beyond the
22 CERCLA will be provided to the Park Service and will
23 be able to facilitate reuse of buildings and pieces
24 of property on base.

25 FACILITATOR BUFFORD: Okay. Thank you.

1 David?

2 BOARDMEMBER WILKINS: I have no comment.

3 BOARDMEMBER BAXTER: What I'm hearing is two
4 different levels of concern about the transfer stuff.
5 I'm hearing people who haven't been involved in it
6 before, they don't know what a FOST, FOSL survey and
7 all those are, and the people who have been
8 discussing these issues for a long period of time.

9 It seems like you can at least come to an
10 agreement that a workshop on transfer issues, that --
11 at least introduce the concepts what a FOST is, what
12 a FOSL is, what a CERCLA is, to the people who are
13 going to have to deal with it. It would be useful.

14 FACILITATOR BUFFORD: These are new laws,
15 and Jan is proposing that those of us who have not
16 been involved in that have a workshop on that,
17 including those of you who have been involved and
18 still haven't really figured it out.

19 BOARDMEMBER ALEXANDER: I think you've
20 nailed it, Jan, but I'd like to suggest we can and
21 should do both. I think we do need a baseline. I'm
22 not a specialist on it; I'm a generalist on this.

23 FACILITATOR BUFFORD: Michael, could you
24 just tell everyone here what CERFA stands for?

25 BOARDMEMBER ALEXANDER: No. I'm not going

1 citizen member was -- now we're two months later and
2 we haven't yet, but I wanted a workshop on overview,
3 two-part, technical and legal, what are the issues,
4 and I wanted it fast.

5 And he had said perhaps we can do it on a
6 Saturday and have an all-day thing and not drag this
7 out, because we want it to be brought up to speed
8 fast. Now, the problem I had with the workshops that
9 we had last week is that we got notice so late we
10 couldn't go. So certain people were there and
11 certain weren't -- I mean, everybody should be
12 present and, I mean, talking about the citizen
13 members, and get this done right away.

14 FACILITATOR BUFFORD: David?

15 BOARDMEMBER WILKINS: The issue that you're
16 talking about again goes back to the fact that the
17 transfer and lease of the Presidio is not a function
18 of the Restoration Advisory Board. There may be
19 another forum for doing that. I am not sure what
20 that forum would be, but that is not a responsibility
21 of the Restoration Advisory Board. That's not what
22 we're convened to do.

23 People have talked about the inadequacy of
24 several documents, but the government agencies have
25 reviewed those documents and they provided the input

1 to those documents to show what their satisfaction or
2 dissatisfaction was. And ultimately the regulatory
3 agencies are the entities that are going to determine
4 whether or not this place is clean.

5 So, the documents that are going forward in
6 preparation of making that determination, they have
7 already been reviewed by the government agencies in
8 terms of their adequacy. And if you take the time to
9 go to the repository and review these documents, if
10 you have any issues about those, then you can bring
11 those up to the regulatory agencies and let them know
12 where your particular concerns are. But that is not
13 our reason to discuss that.

14 The transfer and leasing, let me reiterate
15 this: That's an issue between the National Park
16 Service, the Department of Interior, in other words,
17 and the Department of the Army. And if it -- because
18 of the great amount of legal aspects involved in it
19 and the real estate aspects involved in it, that's
20 why there are attorneys present at those discussions.

21 So, none of us here are attorneys. None of
22 us have any of the capabilities to act in the
23 capacity of an attorney, and there's really no reason
24 for us to discuss real estate and a legal issue here.
25 It's not a purpose of the RAB --

1 BOARDMEMBER GIRARDOT: I want to respond.
2 There is a misunderstanding of what I was asking for.
3 I'm not asking for a workshop so we can take some
4 action or criticize what has already been decided,
5 but just so we can understand.

6 BOARDMEMBER WILKINS: I understand that, but
7 the only thing I would offer as a representative of
8 the Army is that it's our purpose do discuss
9 restoration issues. Since this is a transfer and
10 legal issue and a real estate issue, then there's got
11 to be another forum that will allow you to get the
12 information you can get, and it should not be
13 something conducted here.

14 BOARDMEMBER CHAN: If you're going to
15 restore a site and you don't know the basic
16 characteristics of the site you're restoring, then
17 how do you know what the appropriate nature --

18 BOARDMEMBER WILKINS: Because the baseline
19 characteristics of the sites have been determined.
20 It's in the CERFA document which is in the repository
21 and you can review that. You were given a CERFA at
22 the last RAB.

23 BOARDMEMBER GEWERTZ: I think we're muddying
24 up the issue by saying that we want to talk about the
25 transfer issues, and there's a piece of framework and

1 really, what we went to get at is the environmental
2 documents. And when you do an analysis of the site
3 and you look at the environmental issues on the site,
4 you want to look at all the environmental documents,
5 regardless of why they were developed.

6 FACILITATOR BUFFORD: Okay. I'd like to
7 bring closure to this, but we have one more hand.

8 AUDIENCE MEMBER: I just want to mention, it
9 is an issue between the Park Service and the
10 Department of Interior and the Department of the Army
11 to finalize whatever documentation will be provided.
12 I don't know if David has a problem, and we can talk
13 about this in our meeting of the Army Corp in
14 providing whatever finalized documentation in terms
15 of the Baseline Survey, whatever it is, if it's a
16 CERCLA/CERFA or additional documentation to this
17 group. David, you can talk about that in our
18 meeting, but if there is additional documentation
19 that would be provided regarding environmental
20 issues, this group should be provided that document.

21 FACILITATOR BUFFORD: Is there open public
22 involvement in that process?

23 AUDIENCE MEMBER: No.

24 FACILITATOR BUFFORD: So is there a contact
25 person other than yourself --

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2 documents. And when you do an analysis of the site
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18 meeting, but if there is additional documentation
19 that would be provided regarding environmental
20 issues, this group should be provided that document.

21 FACILITATOR BUFFORD: Is there open public
22 involvement in that process?

23 AUDIENCE MEMBER: No.

24 FACILITATOR BUFFORD: So is there a contact
25 person other than yourself --

1 hazardous substances? That is what this Restoration
2 Advisory Board is all about. We don't care whether
3 the Department of the Interior and the Department of
4 Defense do enter into the transfer or do enter into a
5 lease agreement. That's your business.

6 But our business is a statement, wherever
7 it's recorded -- that's what Heidi just said. We
8 want to find any document that has that interesting
9 information, wherever it's located or for whatever
10 reason it was created, and look at it as a piece of
11 environmental documentation about whether the place
12 is clean or not.

13 So, the transfer itself is not our concern,
14 but the statement that the land is clean is, and
15 that's what we want to learn about.

16 BOARDMEMBER ALEXANDER: Thank you, Robert,
17 that's exactly how I would define CERFA.

18 BOARDMEMBER BLOOM: A good example of that,
19 just today in court, bay keeper, district seven, and
20 we filed papers, notice of intent to sue the Navy for
21 a violation of the Clean Water Act -- we got an
22 Environmental Baseline Survey that indicated there
23 was no problem with the leasing of Dry Dock No. 4.
24 We are now going into court because other documents
25 that were made available indicate that the

1 AUDIENCE MEMBER: No, not right now. Right
2 now it's being discussed internally between the Park
3 Service and the Department of the Army. It has not
4 been finalized what the exact documentation would be
5 regarding the Environmental baseline Survey,
6 particular sites. So until that's been determined,
7 it's hard to --

8 FACILITATOR BUFFORD: So the members here
9 are saying there's no other forum for them to get
10 this information, and they'd like to have a workshop
11 on the transfer, the new CERFA laws, so they can get
12 an overview of how that works and how that fits into
13 their responsibilities as RAB members.

14 BOARDMEMBER REINHARD: I'd like to add one
15 more point -- actually, I'd just like to restate what
16 I said before and second what Heidi said: There is a
17 restoration purpose behind looking at these
18 documents. It is very simple. CERFA has one
19 purpose, community environmental -- I forget what it
20 stands for, but here's the purpose. It's supposed to
21 be a sign-off. It says, "This parcel is okay, go
22 ahead and lease it, go ahead and transfer."

23 It's that statement that this parcel is okay
24 which relates to our restoration purpose. Is it
25 clean? Is it a place where there have been no

1 Environmental Baseline Survey was inaccurate. So,
2 we've got real issues there, real needs to review
3 these documents and make sure the transfer takes
4 place in a responsible manner.

5 BOARDMEMBER BAXTER: Can we suggest maybe
6 next Thursday on the Public Health Service Hospital
7 workshop?

8 FACILITATOR BUFFORD: Okay. What date is
9 that?

10 BOARDMEMBER BAXTER: That's July 28th.

11 BOARDMEMBER WILKINS: I won't know if that's
12 a good date until I have time to discuss it with my
13 acting commander.

14 BOARDMEMBER BAXTER: I guess what I was
15 concerned with right at this point, David, is there's
16 an awful lot of bodies to get in one room, to find
17 out if those bodies would be able to make that date.

18 FACILITATOR BUFFORD: Could you provide a
19 place, a location for them to meet, if that's
20 agreeable?

21 BOARDMEMBER WILKINS: I couldn't answer that
22 until tomorrow. I need a date to determine the
23 logistical requirements.

24 FACILITATOR BUFFORD: Is there anyone who
25 has a problem with that date? Okay, you have a

1 would be the laws on transfer, FOST, CERCLA,
2 information on those.

3 BOARDMEMBER REINHARD: I thought the idea
4 was also to consider the idea of more frequent RAB
5 meetings, so that if we had a workshop on the Public
6 Health Service Hospital it would be followed by a RAB
7 meeting.

8 BOARDMEMBER HORENSTEIN: Michael said two
9 weeks from tonight, possibly at that time.

10 BOARDMEMBER LEVINE: Well, why can't we have
11 a subcommittee meeting and then have a RAB meeting?

12 FACILITATOR BUFFORD: Can you work with
13 yours -- Michael says August 4th is not good. So,
14 how about August 3rd for the next one? Okay. So
15 August 3rd will the RAB? Let's back up. July 28th
16 for the Public Health Service Hospital workshop, and
17 now we're trying to find an earlier date for the RAB
18 meeting.

19 (Discussions of dates)

20 BOARDMEMBER WILKINS: I need to interrupt
21 here, because I think this is an important issue here
22 with regard to the frequency of our RAB meetings.
23 And although it's the Army's intent to allow the
24 community members to determine how frequently they
25 want to meet, we certainly have to do that within

1 reason of our logistical ability to support that.

2 And right now we're having a RAB meeting once a week.

3 I had hoped that the group here tonight
4 would be able to determine what types of working
5 committees they would want to have and what type of
6 workshops they would want to have, and that those
7 workshops and working committees would help to
8 supplement not only informational requirements you
9 would have, but also to allow you to meet in between
10 when the RAB meets through committees to discuss any
11 issues of importance to you.

12 We can not logistically support doing a RAB
13 every two weeks as well as all these other workshops
14 and providing logistical support to any committee
15 meeting you may want to have. So, I think if you
16 focus on getting your workshops defined and when you
17 want to have them and focus on getting your
18 committees organized, then that could alleviate some
19 of your concerns and informational needs you're
20 trying to fulfill.

21 BOARDMEMBER HORENSTEIN: I think once we get
22 rolling, every two weeks we probably wouldn't need,
23 but I'd say for the next few meetings we have to meet
24 in that frequency. You just can't wait every four
25 weeks, once a month. We're spinning our wheels. And

1 my suggestion is maybe we plan the next three
2 meetings every two weeks, but with a dead certain
3 date that that will be extended as these committees
4 get up to speed.

5 BOARDMEMBER WILKINS: Well, I would agree
6 that there may be that need, but as long as we are
7 struggling through trying to get our procedural
8 framework and our structure set up for how we're
9 going to operate, and as long as we continue to, say,
10 debate issues that aren't related to what our purpose
11 and our mission is, then we're never going to get to
12 the point of actually discussing restoration issues
13 or advising the Army.

14 BOARDMEMBER WALTERS: The Park Service would
15 be more than happy to host the RAB meetings every two
16 weeks if it's necessary.

17 BOARDMEMBER HORENSTEIN: And the committee
18 meetings may not need logistic support. We're
19 talking about six or seven people.

20 BOARDMEMBER BLOOM: And we'll be happy to
21 host meetings. I'll voice that it's impossible to
22 host that number of meetings.

23 BOARDMEMBER FUENTES: How about the DTSC?

24 FACILITATOR BUFFORD: The DTSC is also
25 available for those types of meetings. We're located

1 in Berkeley, however. You're more than welcome. And
2 Romy and myself would be the contact for having the
3 RAB meetings at DTSC.

4 AUDIENCE MEMBER: The RAB meetings are
5 supposed to, I think, all be open to the public, and
6 I heard a few times this evening people talking
7 about, "Well we can get together on the side; we had
8 a meeting two weeks ago; was it a public meeting?"
9 There was just a mention of, "We can have it at our
10 house."

11 How is the public going to come to
12 somebody's house?

13 BOARDMEMBER ALEXANDER: Those aren't RAB
14 meetings.

15 AUDIENCE MEMBER: Every two weeks?

16 BOARDMEMBER ALEXANDER: The RAB meetings, if
17 they're held every two weeks, would be publicly
18 noticed, public health sites where the public would
19 be welcome. But in between those meetings there
20 could be committee meetings and other meetings of the
21 public. Members of the RAB will attend those
22 meetings, and those meetings are informal gatherings
23 that are not official RAB meetings, and those don't
24 have to be public.

25 FACILITATOR BUFFORD: David, can you

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20 could be committee meetings and other meetings of the
21 public. Members of the RAB will attend those
22 meetings, and those meetings are informal gatherings
23 that are not official RAB meetings, and those don't
24 have to be public.

25 FACILITATOR BUFFORD: David, can you

1 comment, or would you like to address, the invitation
2 from some of the other groups to host the RAB
3 meetings?

4 BOARDMEMBER WILKINS: He just said those
5 weren't RAB meetings.

6 FACILITATOR BUFFORD: You were talking about
7 hosting workshops. No one mentioned RAB meetings. I
8 thought you did.

9 BOARDMEMBER WALTERS: No, the Park Service
10 would be more than happy to host the RAB meetings.

11 FACILITATOR BUFFORD: I thought you said RAB
12 meetings; I thought so. Okay. Let's look at the
13 RAB. Would you like to address that?

14 BOARDMEMBER WILKINS: Yes. I will restate
15 our position, that the frequency of doing the RAB
16 meetings once a month is sufficient. I think if the
17 RAB -- if the membership here focuses on getting your
18 committees organized, getting your workshops
19 established that will take place in between RAB
20 meetings, you'll be able to fulfill your
21 informational requirements for all of the issues that
22 are a concern to you.

23 BOARDMEMBER HORENSTEIN: If this group
24 doesn't have the authority to determine the frequency
25 of meetings, I am a little concerned about what comes

1 next. And I think if we have a consensus that we
2 need frequency more than once a month, that's what we
3 have to do regardless of where we meet.

4 I think for the committee meetings, again,
5 that makes sense not to ask for the logistic support
6 from the Army, and we look for some other source.
7 But I think up front to meet every other week if we
8 have a consensus if determined that's appropriate,
9 that seems to me to be a fair request and my sense is
10 it should be met.

11 BOARDMEMBER REINHARD: And I think it's
12 worth remembering what Bennett said before, that
13 these are special circumstances in the early part of
14 the RAB history. There is a very good reason for
15 having a RAB meeting in two weeks about the Public
16 Health Service Hospital. It's the perfect time,
17 because the public meeting for the public comment
18 period is scheduled, according to the flier here, on
19 August 18th.

20 So that means if we had our workshop, then
21 our meeting at the beginning of the month there would
22 be ample and adequate opportunity for people to go
23 back to their member groups, to the people that they
24 represent and say, "Here's the 30 days; here's the
25 issues; here's what we have to write; here's where we

1 have to mail in the comments."

2 If we had our RAB meeting on the Public
3 Health Service Hospital a month from now, the end of
4 August, there's two days for people to go back and
5 tell the people that they work with what happened and
6 how to send in a comment. It makes eminent sense for
7 this particular one to have the meeting soon. And
8 maybe next month when we've, like you say, completed
9 our informational requirement, we'll figure out we
10 don't need one in two weeks, but this one we happen
11 to want it.

12 FACILITATOR BUFFORD: Can I suggest that the
13 two co-chairs work this out?

14 BOARDMEMBER ALEXANDER: I don't think it's
15 an issue of co-chairs working it out. It's a clear
16 point of view here for this next meeting that --

17 BOARDMEMBER BLOOM: I just hope we don't get
18 into the title of "lack of cooperative relationship"
19 that we have with the Army --

20 FACILITATOR BUFFORD: -- work together.

21 BOARDMEMBER GIRARDOT: I would like to say
22 that I think all the workshops and all the committees
23 and everything should be somewhere, not in homes, not
24 in Berkeley, but somewhere here where the public can
25 come to everything they want to come to, because I

1 time, determine if they would need to have another
2 RAB two weeks after that, or do we want to set
3 two-week dates from here until December?

4 BOARDMEMBER HORENSTEIN: No, I think at that
5 time.

6 BOARDMEMBER WILKINS: At that time, do it
7 again and see if we want to have two weeks. Okay,
8 then, that's what we will do.

9 BOARDMEMBER HEALY: Let's also consider the
10 likelihood if we would want to, so that we won't have
11 to be surprised and say that this is too soon.

12 BOARDMEMBER HORENSTEIN: With a goal of
13 going back to once a month once we get up to speed.
14 I think we understand the concerns here.

15 BOARDMEMBER WILKINS: I would be prepared to
16 do it every two weeks for as long as we need to do
17 that, and should we decide at the 16 August RAB not
18 to have it two weeks after that, that's okay. That's
19 what we'll do.

20 FACILITATOR BUFFORD: And you will do the
21 public notice and also make sure to have a location
22 for the meeting.

23 BOARDMEMBER WILKINS: Yes.

24 BOARDMEMBER REINHARD: I just want to ask
25 Joan, we only have one little narrow workshop here on

1 our schedule, and we haven't addressed what you were
2 talking about.

3 BOARDMEMBER GIRARDOT: I've asked for it
4 three times, so I guess if nobody else wants it --

5 BOARDMEMBER REINHARD: I think we've left
6 that hanging still, and maybe what we should try to
7 do, since it seems that we've once -- a hard point
8 right now is at the 28th to nominate dates and
9 agendas for other workshops. Does that sound all
10 right?

11 FACILITATOR BUFFORD: And then get...

12 BOARDMEMBER ROSSI: What was that? I didn't
13 hear it.

14 FACILITATOR BUFFORD: On July 28th to
15 recommend dates for future workshops.

16 BOARDMEMBER ROSSI: Any subjects or are you
17 still taking the old proposal to have one umbrella,
18 over the world update workshop?

19 BOARDMEMBER GIRARDOT: That is what I would
20 like; let all sides attend.

21 FACILITATOR BUFFORD: Rena is still
22 collecting those lists of topics, so she'll have the
23 results of those tomorrow and she can make sure each
24 of you get these and you can work through that.

25 BOARDMEMBER ALEXANDER: Arty just pointed

1 out something, it seems like the "workshop on
2 transfer," on environmental aspects of transfer
3 issues -- how is that?

4 BOARDMEMBER ROSSI: That's a proper
5 correction, because it's not a workshop on the
6 transfer; it's a workshop on the environmental
7 documentations that support the transfer.

8 BOARDMEMBER ALEXANDER: Environmental issues
9 involved with transfer. That's suddenly fallen off
10 the table, and I thought that there were a lot of
11 heads nodding yes when we were talking about that
12 being the second workshop. Because that is going to
13 -- I'm going to try it again. Maybe we could do that
14 workshop for an hour, set a time limit on it, maybe
15 bring in some pizzas, start the meeting at 6:00 on
16 the first and go for an hour on that and start the
17 RAB on schedule.

18 FACILITATOR BUFFORD: So you're talking
19 about July 28th, Michael?

20 BOARDMEMBER ALEXANDER: No I'm trying --

21 FACILITATOR BUFFORD: August 1st --

22 BOARDMEMBER ALEXANDER: -- to get an idea of
23 how much time --

24 FACILITATOR BUFFORD: So a workshop and RAB
25 on August 1st.

1 BOARDMEMBER ALEXANDER: A couple of hours?

2 BOARDMEMBER BAXTER: We need more than an
3 hour, two to three. We have two separate documents
4 -- four, I put down four that we have, but an
5 alternate suggestion is that --

6 BOARDMEMBER ALEXANDER: Let's get an
7 alternate suggestion. I'm becoming concerned about
8 burn-out.

9 BOARDMEMBER REINHARD: I have another
10 suggestion. First of all, this idea of a specific
11 workshop like what you were talking about is
12 different than what Joan is talking about. For this
13 issue about environmental aspects of transfer, let me
14 just say my personal feeling: It doesn't seem quite
15 as eminent to me as the Public Health Service
16 Hospital.

17 But one thing we could do is for the August
18 1st RAB have as one of the agenda items -- ask
19 somebody who is knowledgeable; and I nominate
20 Jennifer -- speak to us for an hour, or --

21 MS. GROVE: I suggested the Department of
22 Army and the Department of Interior talk about the
23 issues together.

24 BOARDMEMBER REINHARD: Yeah, just have a
25 presentation to us with the focus on what we were

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 25 presentation to us with the focus on what we were

1 saying before, how those documents speak to the
 2 question of whether that parcel is clean or not. And
 3 we don't care whether you're transferring it or not,
 4 that's your business. But the documentation that
 5 says this parcel is clean is our concern. So, we can
 6 have that as an agenda item. Because the Public
 7 Health Service Hospital, I don't think, would take up
 8 the entire meeting.
 9 BOARDMEMBER WILKINS: I think that the
 10 regulatory agencies who have already reviewed those
 11 documents should be the ones to say why those parcels
 12 are clean or not clean, because those are the
 13 agencies that in the review of those documents either
 14 agreed or they disagreed, provided comments back and
 15 made a final determination that those parcels were
 16 clean or not clean. Those are the two or three
 17 appropriate agencies to discuss that, not lawyers.
 18 BOARDMEMBER REINHARD: I said that we would
 19 have somebody talk to us. I thought -- well,
 20 Jennifer happens to be a lawyer. I thought she was a
 21 knowledgeable person, so I nominated her. Let me
 22 just say one more time that a Remedial Investigation
 23 document is a document where an agency says the place
 24 is dirty.
 25 Now, this other document is a document which

1 says the place is clean. It's the flip side of the
 2 same question. It is definitely our concern if
 3 somebody is going on record as saying this place does
 4 not have a contaminant in it.
 5 BOARDMEMBER WILKINS: I agree with that,
 6 you're absolutely right. But the agencies that
 7 reviewed those documents should be -- are the most
 8 appropriate persons to answer that question for you.
 9 BOARDMEMBER REINHARD: Cool.
 10 BOARDMEMBER WILKINS: They're already
 11 sitting right here.
 12 BOARDMEMBER REINHARD: Well, that's all I
 13 said. I said as an agenda item we have somebody
 14 there to talk to us.
 15 FACILITATOR BUFFORD: Okay, can you and
 16 David work that out? I know the DTSC has
 17 environmental reuse specialists, and so does the
 18 USEPA and the DOI, Department of the Interior. I
 19 think I heard Jennifer say that she could possibly --
 20 MS. GROVE: In conjunction with the
 21 Department of the Army -- again, because this is
 22 going to be an agreement with the two agencies; it's
 23 not going to be one agency or the other. So the only
 24 thing that I would be addressing particularly with
 25 the Department of the Army is whether documentation

1 you might be provided, the Environmental Baseline
 2 Survey to review, if that's what you asked for and
 3 the Army agrees to it. How that fits in terms of
 4 regulatory agencies and what they're going to discuss
 5 I'm not sure. David, I think we need to talk about
 6 this afterwards.
 7 FACILITATOR BUFFORD: I think you need to
 8 work that out. And again, the Department of Toxic
 9 Substances Control can assist you as well in terms of
 10 trying to get someone who knows about these new laws.
 11 So, we have a meeting scheduled for July
 12 28th.
 13 BOARDMEMBER WILKINS: Date and time will be
 14 announced. Date, time and location will be
 15 announced.
 16 FACILITATOR BUFFORD: One for August 1st,
 17 and one for August 16th. And the two co-chairs will
 18 work out the details of the agenda and the
 19 presentations of the workshops.
 20 BOARDMEMBER HORENSTEIN: One -- it doesn't
 21 have to do with this; a quick administrative item.
 22 I've been trying to get an updated phone and address
 23 list --
 24 FACILITATOR BUFFORD: It's in your packet.
 25 Okay. Speaking of --

1 publications. Now, it's very expensive to reproduce
2 these documents. The document of the Remedial Action
3 Plan is very small. It didn't cost a lot to
4 reproduce that. Some documents that we publish are
5 very large. This is one document.

6 Now, if you want me -- or the Army, rather;
7 I'm not going to mail it to you -- to mail this to
8 you every month for all the things that are going on
9 at the Presidio, I can do that. It's your money.
10 It's your tax dollars that are going to do this.

11 The second issue: Are you guys even going
12 to read it? Be serious. Are you going to read this
13 if it comes to your house every month? Okay. Some
14 of you here are bookworms and scientists and
15 technicians. You may want to read this. Some of you
16 may not have a life and may want to read this. I
17 just want you to consider, will you read it?

18 Let me bring up the point of why that's
19 important. We have government regulatory agencies
20 here that they have a hard time getting through this
21 stuff. And you can ask them. Romy, Michael, Lynn,
22 they have to read this stuff. That's their job.

23 You're a volunteer. Will you really read it?

24 What I would offer to you is instead -- and
25 you can vote on this. If you want me to mail this

1 type of stuff to you every month, I'll do that. What
2 I would offer is we can take the executive summaries
3 out of these documents or we can ask our contractor
4 to maybe create like a little enhanced executive
5 summary of some type that would maybe only be a few
6 pages that would present the issues and a document of
7 this size. This is not all the volumes here. I only
8 brought nine of the ten volumes.

9 I would offer that if we could provide you
10 an executive summary -- and each of these documents
11 has an executive summary, like in the first few pages
12 -- that if we did that supplanted by or in
13 conjunction with these documents that are in the
14 repository which we have five or six copies in both
15 repositories, you can go review on your own. And if
16 you want more information that's in the summary then
17 you can go to the repository and get it. And then in
18 addition, if you get committees established that are
19 going to be discussing the issues that are in these
20 documents, they can provide that feedback to you as a
21 group.

22 So, I would just like you to consider this.
23 And if you're going to read it and if you want it,
24 we'll provide it to you, but it's going to be
25 expensive and it's your tax dollars, and you might

1 want to consider my suggestion. So, I'll leave that
2 up to as a group to decide.

3 BOARDMEMBER FUENTES: I have one suggestion.
4 I believe these documents are all in electronic
5 format. Maybe for those people who will read those
6 documents, provide them a disk copy.

7 MS. SOPHER: That document is on many disks.
8 You probably can't pull up the table file from that
9 document.

10 BOARDMEMBER FUENTES: I'm just talking about
11 the main text.

12 MS. SOPHER: The text is one of those fat
13 volumes. I mean, that's a possibility, but it's not
14 as easy as handing out a disk. And all the
15 appendices and stuff are not necessarily in disk --

16 BOARDMEMBER FUENTES: Because I have volumes
17 and volumes of data.

18 MS. SOPHER: Well, the data, yeah, but you
19 have to --

20 BOARDMEMBER ROSSI: What is this document?

21 BOARDMEMBER WILKINS: That the Remedial
22 Investigation for the main installation. It's ten
23 volumes.

24 BOARDMEMBER BAXTER: I'd like to point out
25 there is one volume of text, one volume of tables and

1 one volume of figures, which is probably the basic
2 that people need to look through to review. If you
3 want to look at actual data sheets and information,
4 then there's the repository and you can get a volume.
5 But what you're going to have to actually read, one
6 volume of text --

7 MS. SOPHER: And the supplemental texts and
8 so forth.

9 BOARDMEMBER HORENSTEIN: Can't we leave it
10 on a case-by-case basis, the individual, some type of
11 a check list or something where if they're interested
12 they request it? But I agree, David, to send this
13 out to everyone monthly is absurd.

14 BOARDMEMBER BLOOM: The way other RABs have
15 been dealing with it is that those members of the
16 RABs that want the full documentation can get the
17 full documentation, and those members of the RABs
18 that want executive summaries can get executive
19 summaries. I think that's a good way of working it
20 out.

21 I know we pay -- my organization does --
22 environmental analysts to review that, so I want
23 those documents. I want them in full. I want every
24 bloody detail. So, that's what we want but other
25 people may not want that. So I don't think that you

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2 that people need to look through to review. If you
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22 environmental analysts to review that, so I want
23 those documents. I want them in full. I want every
24 bloody detail. So, that's what we want but other
25 people may not want that. So I don't think that you

1 need to be pressed with providing documents to people
2 that don't want them, nor do I see anywhere in the
3 guidance where the RABs can say that they will get
4 one type of document and not another or an executive
5 summary versus a full document.

6 So, I think the compromise that is being
7 struck in other entities would be to get those
8 executive summaries for other people who just want
9 the executives, but the actual documentation to other
10 people who need and are willing to sludge through
11 that level of detail and provide you with comments so
12 that we can help you do the best job you can.

13 BOARDMEMBER REINHARD: I'd like to add a
14 couple of remarks. One is to point out what Jan just
15 said, that the Remedial Investigation for the main
16 installation is one of the core key documents that we
17 are all concerned with. And a few months from now
18 we're going to get the second of those documents
19 which is called the Feasibility Study for the Main
20 Installation.

21 Those two documents are basically it. It is
22 not true that ten volumes like those are produced and
23 distributed every month. Those documents are what we
24 are all about right there, and they don't happen
25 every month; they happen once.

1 Let me just say on the question, will you
2 read it, that I would encourage people to read it.
3 The tables that are at the end which record like
4 every single sample that was ever taken out of the
5 ground do not make good reading, but I think it's
6 worth while of people's attention.

7 But the issues that we are going to dispute
8 or that we are going to be concerned about, do not
9 come out of the executive summaries. They are not
10 explained; they are not elucidated; they're not
11 mentioned. It is unfortunate that, you know,
12 sludging through, or detailed attention to the facts,
13 is the way, I think, to come up with proper comments.

14 But in order to have a comment that means
15 something that the agencies will have to respond to,
16 my experience has been that you don't get a response
17 unless you line up the ducks unless we're able to go
18 through those documents and think about them. It's
19 true what Saul just said, that not everybody wants to
20 do that, but I'm just saying for those of us who
21 think about the end result, that these are the kind
22 of things that it behooves us to go after. And like
23 I say, it's not going to happen every month. It's
24 just a one-time thing.

25 BOARDMEMBER WILKINS: Well, I would like to

1 make a correction to that, Bob, because I was
2 referring to the Remedial Investigation for the main
3 installation documents. There are several documents
4 produced to you simultaneously, and they're produced
5 every month. I get documents from the contractors
6 that are doing the work on the Presidio every month.
7 Every month, month in and month out, there are new
8 documents that are published. They may not all be
9 ten volumes, but they're all substantial, and that
10 was the point of bringing it up, because of the cost
11 involved, one, and will people read the stuff.

12 BOARDMEMBER REINHARD: That's why I said in
13 my suggestion about document distribution that there
14 are certain documents that we should regard as core
15 documents, that being one of them. And maybe we
16 don't want to receive copies of everything we get
17 every month, but that one right there we do.

18 BOARDMEMBER ALEXANDER: Rob, you made, I
19 think, an important point when you said that
20 executive summaries don't give us the issues on which
21 we will genuinely want to comment. But do they --
22 what do executive summaries provide? Do they provide
23 kind of an overview of the issues so that by reading
24 an executive summary we would have a baseline, even
25 though we wouldn't have the issues? Or are they

1 possible way of dealing deal with it is division of
 2 labor, and that's what our community system is about.
 3 For those of us not on -- we wind up having a main
 4 installation committee. Those of us not on that
 5 committee, unless we have particular interests,
 6 probably want to start with the executive summary and
 7 rely upon the main installation committee to review
 8 ten volumes in depth, and then to bring to us the
 9 pertinent, what they found to be the really
 10 pertinent issues or theories or disagreements, the
 11 gray areas where our comments -- is that a reasonable
 12 approach to it?

13 BOARDMEMBER REINHARD: Well, I think all of
 14 us are saying the same thing. I mean, no one would
 15 disagree with David's approach, I don't think, that,
 16 you know, there are reasonable alternatives, and
 17 everybody should figure out which level they're
 18 interested in. And that is the way to do it.

19 All I'm saying is I would encourage people
 20 to think of certain documents as more important than
 21 others. And this is an example. And it's just my
 22 experience that -- the volume that Jan described
 23 repay reading and repay studying for everybody
 24 because, you know, people report back to committees
 25 and you get a report of a report or whatever.

1 Everybody is going to read it differently.

2 BOARDMEMBER ALEXANDER: This is where the
 3 technical members of the TRC really add value to what
 4 we're trying to do. You're the ones that point out
 5 what are the important documents to read.

6 BOARDMEMBER LEVINE: I suggest if anyone
 7 wants to read the executive summary, that's it. If
 8 someone wants to read ten volumes, God bless them.

9 FACILITATOR BUFFORD: Also, David, you said
 10 there are five copies in the repositories for persons
 11 that wanted to go through the repositories to check
 12 them out.

13 BOARDMEMBER BAXTER: I have just two issues
 14 that I wanted to bring up in terms of the documents,
 15 or issues. One is that if -- I believe if you want
 16 to understand the side of the Presidio and form your
 17 own picture of what's there and what they look like
 18 and things like that, a review of the documents --
 19 because everything that's been done to date, all the
 20 information and things are supposed to be summarized
 21 within that document. So, it's a very good document.

22 The other thing is I was wondering whether
 23 or not it would helpful to focus what are the issues
 24 by seeing what other people have already commented on
 25 that document, and others like this, state

1 compliance, TRCs that have already been made on the
 2 documents and they'll sort of define what issues are
 3 being discussed.

4 FACILITATOR BUFFORD: So the documents will
 5 be available to those who request. They will also
 6 have five of them placed in information repositories,
 7 and you can also receive, if requested, the executive
 8 summaries.

9 BOARDMEMBER HORENSTEIN: Is there going to
 10 be -- I don't know what documents to request. Is
 11 they're going to be a list of the documents?

12 (Cross-talk)

13 BOARDMEMBER WILKINS: And I highlighted the
 14 ones that I suggested that you read.

15 FACILITATOR BUFFORD: So, to cut costs, if
 16 you could just check them out -- can they be checked
 17 out?

18 BOARDMEMBER WILKINS: Rena, do you allow the
 19 public to check out documents from the repository?

20 MS. DAVIES: Yes.

21 BOARDMEMBER WILKINS: As well as review them
 22 on site, correct?

23 MS. DAVIES: Sure.

24 BOARDMEMBER LEVINE: Is it possible to get a
 25 copy of the index?

1 BOARDMEMBER WILKINS: You have one. I gave
 2 a list of all the environmental documents.

3 BOARDMEMBER GIRARDOT: What are the hours
 4 for availability?

5 BOARDMEMBER WILKINS: Rena, could you
 6 announce the hours for the repositories, when the
 7 documents are available?

8 MS. DAVIES: 7:30 to 5:00 Monday through
 9 Friday, or by appointment. If it's earlier, I'd be
 10 happy to come in.

11 BOARDMEMBER WILKINS: So I think to answer
 12 everybody's question, if you're interested in a
 13 particular document, it's in the repository. For the
 14 documents that are going to be published from this
 15 point forward in the future, if you want an
 16 individual copy, those can be provided to you. If
 17 you just want a summary, call Rena and let her know
 18 which one you want. She'll be the point of contact
 19 for that.

20 BOARDMEMBER FUENTES: If you're interested
 21 in the regulatory comments, we have our files. You
 22 should call and make an appointment to come. Our
 23 phone number is (510) 540-3800.

24 FACILITATOR BUFFORD: That's the DTSC file
 25 room, and copies of all of this are located there.

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25 room, and copies of all of this are located there.

1 of them. I think I've been nominated by Dave and
2 Greg to present some information at the workshop
3 Thursday, and I just wanted to let you know what we
4 had talked about, which is that I would go through
5 what we did in the RI and just sort of go through in
6 depth what samples we took, and maybe a little bit
7 about how we take the samples and where we take them
8 and what the chemistry is that's done on them and
9 that kind of stuff and just quickly summarize the
10 effects, which would be the alternatives we looked
11 at, then go through what's in the RAB and the fact
12 sheet and then let you all ask whatever questions you
13 want.
14 If you want different information than that,
15 if you could just let Rob or David know and then
16 they'll get in touch with me.
17 BOARDMEMBER WILKINS: So the primary intent
18 of the workshop, then, is to have our technical
19 expert kind of give an overview of what's going on,
20 and then to allow the workshop attendees to enter
21 into a discussion about the issues of the Public
22 Health Service Hospital.
23 BOARDMEMBER ALEXANDER: I'd like to ask -- I
24 think that's important, Elizabeth, and I think it's
25 exactly the right place to start, but I think what we

1 And as Romy said, you should call and make an
2 appointment to come by. And that's in Berkeley.
3 BOARDMEMBER WORK: Just for everyone's
4 information, EPA's pool of comments on documents is
5 pretty small, so you have my number on the address
6 list. Give me a call if you want EPA's comments, and
7 I'll let you know which document's EPA's comments.
8 AUDIENCE MEMBER: Those need to be
9 summarized too, because the Army has responded to
10 many of those comments and had a lot of discussion.
11 So, you need to see both their comments and their
12 responses.
13 BOARDMEMBER BLOOM: I guess to clarify, just
14 send them on.
15 FACILITATOR BUFFORD: I'd like to make
16 another announcement. There's another correction to
17 the list of RAB members you have. Page 2, Bruce
18 McKleroy has a change of address. He's the third
19 person on Page 2. The new address is 244 Laurel
20 Street, L-a-u-r-e-l, San Francisco, 94118. And he
21 has the same number. The only change is the address.
22 MS. SOPHER: Can I say one thing about the
23 workshop? I'm Elizabeth Sopher. I'm a contractor
24 for ABC who has been producing these monstrous
25 documents that everyone is so anxious to read, part

1 need to work for is where are the issues --
2 MS. SOPHER: We are just trying to provide
3 the basis, because it's going to be hard to start
4 discussing issues like ARAR and that kind of stuff
5 until we work through --
6 BOARDMEMBER ALEXANDER: You've laid the
7 right foundation. I'm just saying that I want to be
8 sure that all of that is directed towards what are
9 the critical issues, what are the gray areas, where
10 are the differences of opinion where reasonable
11 people have different ideas of what's being done and
12 what should be done, what needs to be done. As long
13 as it's all focused in that manner, I think it has
14 value on the assessment.
15 BOARDMEMBER WILKINS: From what I understand
16 what's going on at other RABs around the country that
17 are conducting workshops, the best way to do that is
18 to allow the attendees to primarily enter into a
19 discussion about, in this case the Public Health
20 Service Hospital, and to allow the technical expert
21 or the consultant to answer those questions.
22 FACILITATOR BUFFORD: Okay. David was
23 determined -- Mr. Lolli?
24 BOARDMEMBER LOLLI: I'm new here and I think
25 I heard a lot presentations. The one thing I found a

1
2 STATE OF CALIFORNIA)
3 COUNTY OF ALAMEDA) SS

3

4 I, Jill Anne Stephenson, Certified Shorthand
5 Reporter, do hereby certify:

6

7 That the foregoing proceeding was taken by me at
8 the time and place therein named; and

9

10 That the same was taken in shorthand and thereafter
11 transcribed into typewritten transcription.

12

13 I further certify that I am a disinterested party
14 to said action and in no way interested in the outcome
15 thereof no connected or related to any of the parties
16 thereto.

17

18 IN WITNESS WHEREOF, I have hereunto set my hand and
19 affix my official seal of office this 17th day of Aug 1994

20

21

22

23

24

25

Jill Anne Stephenson

CLARK REPORTING

1 THE RESTORATION ADVISORY BOARD MEETING

THURSDAY, JULY 28th, 1994

HELD AT

S.F. PRESIDIO BASE
SAN FRANCISCO, CALIFORNIA
7:00 P.M.

CERTIFIED COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY JILL ANNE STEPHENSON CSR 8562

CLARK REPORTING

2161 SHATTUCK AVENUE, SUITE 201
BERKELEY, CA 94704

RESTORATION ADVISORY BOARD MEMBERS:
(COMMUNITY AND TECHNICAL)

MICHAEL ALEXANDER
HAROLD BALL
JANETTE BAXTER
ROBERTA BLANK
SAUL BLOOM
J. DENNIS BONNEY
GREG BRIDGESTOCK
JOHN BUCK
DEXTER CHAN
ROMY FUENTES
HEIDI GEWERTZ
JOAN GIRARDOT
MICHAEL HEALY
BENNETT HORENSTEIN
DOUG KERN
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BURNET SUMNER
LYNN SUER
ELLIS WALLENBERG
MARTHA WALTERS
DAVID WILKINS
MICHAEL WORK

---000---

PROCEEDINGS

BOARDMEMBER BUCK: My name is John Buck, from the Army Environmental Center. We're charged with conducting the investigative phase of the environmental program at the Presidio, and this is the first of our workshops on the various issues related to the environmental restoration program. I notice the Court Reporter was going around taking names. Do you want to complete that process and get into our regular meeting?

---o0o---

BOARDMEMBER BUCK: What we'll do, first we want to have an overview of the RI/FS process and go over the technical results from the RI and the FS. Elizabeth Sopher will be doing that from Watkins Johnson Environmental Group, who had conducted those studies under contract to us, after which I think there will be some comments on ARARs from Dave Stanton from the Army, and I think several people from the state. And at that time, we could throw it open for some discussions, or throughout the process. I think we'll keep this pretty informal. It's to give you some information regarding this. Feel free to ask questions.

And with that, if there is any -- well, the

1 up-front comments. Why don't we begin with Elizabeth? She'll start with going over some slides. I think you each have the slide she's going to go over.

BOARDMEMBER REINHARD: Can I pass a point of order about the agenda? We have three sections here which are kind of substantive areas. And as you said, during the presentation of each one of those -- well, certain people will be talking and then we'll also have other people talking besides those listed here. But I think there should be something in between three and four, that there are other issues as well that I think need to be brought out and explained.

And maybe we could have an Item No. 4 on here you know, other technical or decision-making issues and then a discussion period. If you want me to give some examples of what I mean in there, I could, but we don't need to...

BOARDMEMBER BUCK: That's fine. I just came up here because she was working for me. I realized you were one of the co-chairs, so that, we feel, is appropriate. We did want to focus on basically the 24 RI/FS, but --

BOARDMEMBER REINHARD: No, these are RI/FS

5
1 issues.
2 BOARDMEMBER WILKINS: Well, the discussion
3 period was just kind of a catch-all to -- you know,
4 if there is any other issues we need to talk about,
5 that's what it was. The three main items that were
6 listed are the main, major topic areas we wanted to
7 get to and highlight. Other issues we didn't
8 specifically identify were going to be brought up in
9 the discussion period. That's what that is for.
10 BOARDMEMBER REINHARD: Well, just an example
11 of what I mean, I think risk assessment and
12 toxicology is another program area.
13 BOARDMEMBER BUCK: Well, she was going to
14 get into that in her presentation. I'm just
15 wondering, is this the best structure here? Do you
16 want to bring those back tables across? Or I guess
17 maybe that would block the view. You feel like
18 that's fine.
19 BOARDMEMBER STUHMILLER: That works.
20 BOARDMEMBER BUCK: Why don't we then start?
21 MS. SOPHER: Did everyone get a packet from
22 the front and the map that went with it? If not,
23 there's other ones out there. What you have in your
24 packets is a copy of all the overheads that I'll be
25 going through, plus a package of just -- Ed, there

1 are how many?
2 Okay. My role here is just to go through as
3 quickly as possible but as informatively as possible
4 to run through the information we collected during
5 the Remedial Investigation at the site. We have been
6 working on the site since 1990, and did the Remedial
7 Investigation and Feasibility Study.
8 The first thing I wanted to do was just -- I
9 planned this not unknowing there's a pretty wide
10 range of people on the RAB. And so if you feel like
11 I'm going over a lot of stuff that you know, just
12 kind of say "go on." I just wanted to go through
13 first a brief overview of the process we go through
14 so that you can see where the Remedial Action Plan
15 fits into this process and where we are in that. The
16 Remedial Investigation and feasibility process starts
17 out with a preliminary assessment where we do
18 historical research and inspections of the site. The
19 objective is to identify areas where there's
20 potential impacts to the human health or the
21 environment from either operations that occurred at
22 the site or storage or release of any other materials
23 at the site.
24 After that, a work plan will be developed
25 for the Remedial Investigation. And the objective of

7
1 the Remedial Investigation is to identify the nature
2 and extent of any contamination at the site.
3 Included in that is a risk assessment of
4 human health, an ecological risk assessment that
5 tries to quantify any additional risks posed by the
6 site if it's not cleaned up. So, it's looking at
7 what risks are posed by the site either in its
8 current condition or in possible future land uses,
9 such as if they turn some of these sites into housing
10 areas or other more recreational facilities.
11 After that we do a Feasibility Study. The
12 first stage in the Feasibility Study is the
13 identification of ARARs -- which is a word you'll
14 hear many times today -- and its applicable or
15 relevant and appropriate requirements. And those are
16 the laws or regulations -- laws, probably not
17 regulations -- that specifically apply to the
18 cleanup at the site. And this is a very sticky
19 issue, so I try not to make any legal statements in
20 that.
21 So the first thing you do is after you
22 identify what requirements apply to the site is look
23 at all the data collected at the site and decide
24 which sites are going to require further action based
25 on the comparison to those standards or results from

8
1 the risk assessment. Then we screen any technology
2 that could possibly clean up the contamination that
3 was identified at the site. And that's followed by
4 assemblage of what are called alternatives.
5 Now, the difference between a technology and
6 an alternative is technologies are the specific
7 treatment such as, maybe, carbon filtration of the
8 water or air stripping of the water. And an
9 alternative includes all the steps that lead up to
10 that technology treatment and anything that's
11 required after the treatment is done. So, it
12 includes, for example, excavation of soil and
13 transportation to an area where they could do the
14 treatment technology.
15 Then also in the Feasibility Study there is
16 the identification of the preferred alternative. In
17 the supplemental part of your package there's an
18 overhead that looks like this that has the list of
19 all the criteria that are screened in the evaluation
20 of alternatives and technologies. If anyone has
21 questions, please ask.
22 After the previous alternative is identified
23 by the Army, we prepare -- and in this case this is
24 the stage that we're at now with the Public Health
25 Services Hospital -- the Remedial Action Plan. It's

9
1 the summary of all the data collected at the site and
2 the summary of the alternatives that were evaluated
3 and the preferred alternative, and it's put out for
4 public comment.

5 We'll do a 30-day public comment period and
6 there will be a public meeting partway through that
7 comment period for anyone in the community that's
8 interest in making comments. The Army will be taking
9 comments that whole time, and then when those
10 comments are received we'll respond to every comment
11 and mention why we are doing what the comment
12 requested or why we're not going to do what the
13 comment requested. After all those comments have
14 been evaluated, we'll issue a Record of Decision
15 which is the identification of the remedy that's
16 going to happen at the site.

17 After that, the remedial design occurs, and
18 then the preferred remedy will be implemented at the
19 site. Also, in many cases, there will be
20 post-closure monitoring, which could either be
21 long-term groundwater sampling or other types of
22 sampling that will show that the remediation has been
23 effective at the site. Those can last probably 30
24 years or more sometimes, the post closure monitoring
25 stage.

11
1 analyzed in the samples at the site, and that's also
2 included in your package for your information, in the
3 back of it.

4 At this time we'd also try to identify, from
5 initially looking at regulations that apply to the
6 site, how low of detection limits we'll need to do
7 the comparisons that we want to do at the site. We
8 look at what type of analytical methods we want to
9 run. There's a huge range of choices for analysis,
10 and you can either run a broad range analysis that
11 will give you much higher detection limits or you can
12 run more specific analyses that get you lower
13 numbers.

14 Also, all the methods that we run are
15 certified. There is a combination of certifications
16 that we address in our sampling here, and that
17 includes Army certification, the California
18 certification. The Corps of Engineers also has a
19 laboratory and certification program and the EPA does
20 also.

21 BOARDMEMBER ALEXANDER: All four of those
22 agencies will certify?

23 MS. SOPHER: For different programs. In our
24 we generally deal with ADC certifications;
25 that's required by John's agency in the Army and the

1 I'm going to skip over this third one and
2 we'll come back to that.

3 Once we find a site or have identified sites
4 that require work in a Remedial Investigation -- I
5 just want to go through a few, or how we establish
6 what work is going to be done at the site. So, we
7 establish what are called data quality objectives.
8 We look at what type of samples we're going to need
9 in order to identify the nature of the contamination
10 at the site.

11 So, in that phase you would look at what
12 type of samples, do you want to sample groundwater or
13 soil or air, how many samples you need to do whatever
14 kind of interpretation you want to do at the site,
15 and what you're going to use the data for. There'd
16 be different sampling required if you're just doing
17 initial screening at a site as opposed to final
18 verification sampling or if you want to use your data
19 for a risk assessment.

20 Then we also look at what type of chemistry
21 analysis or other physical testing we want to do at a
22 site. So, based on the history of the site, we
23 determine what the potential contaminants are. That
24 helps us form what we call the target analyte list.
25 That's the list of all the chemicals that are

12
1 California certifications. And most of the methods
2 are not that different from one agency to the next.
3 It's mostly how they require you to verify that your
4 method works and also what type of quality control
5 information you have to provide to the client with
6 your data. It has a lot to do with those types of
7 performance evaluations and quality control. But in
8 general, a lot of the methods are very similar.
9 BOARDMEMBER ALEXANDER: So it's a
10 certification of the method rather than the
11 certification of individual tests.

12 MS. SOPHER: A method, for example, would be
13 a gas chromatograph, mass spec analysis for volatile
14 organics. There is an EPA numbering system, and
15 that's EPA Method 8240, for example. There's a
16 drinking water method that gets the same compounds
17 but does it in a little different way and it gets
18 lower detection limits, and that's known as Method
19 524. So, each lab has to demonstrate that they run
20 that EPA method or the USETHEMA method according to
21 the standard operating procedures and that they can
22 achieve the required precision and accuracy to go
23 along with that. The method includes a whole list of
24 analytes. So, each method will have anywhere from a
25 few to a hundred different analytes they're looking

1 at. 13
2 BOARDMEMBER ALEXANDER: I guess my point is
3 having -- it's the lab that gets certified?
4 MS. SOPHER: Right. Different labs, yeah.
5 One lab could be certified for 8240 and another would
6 not be, right.
7 This shows you the different types of data
8 that have been collected at this site. For soil
9 samples -- there's a variety of ways to collect a
10 soil sample. In this case we did test pits in some
11 of the landfills, because that gives us good visual
12 observations to look at, for example, fill materials.
13 Other types of soil samples we collect with
14 a drill rig. We're actually pushing a tube down into
15 the soil and pulling the sample up. It's
16 undisturbed. Test pits do not provide you with
17 undisturbed samples. So, you have to know what
18 you're trying to use your data for and when you
19 choose what type of soil sampling methods you're
20 going to use.
21 Groundwater samples were collected at this
22 site in Landfill 8. In case you don't know what a
23 monitoring well looks like, there's a picture in the
24 back of your package also. Basically it's a pipe in
25 the ground with slots that pull water in at different

1 intervals. We installed the wells in Landfill 8.
2 They weren't there from any kind of previous
3 contractor, so we know how they were constructed.
4 And we follow procedures that the Army and the EPA
5 require when we do that.
6 In sampling the monitoring well, they just
7 wanted to point out that in the data tables in the
8 RAP that you have and also attached to your package
9 here, sometimes you'll see an "F" or a "U" next to
10 the data. For metals we do filtered and unfiltered
11 samples. Filtering gives you information on what's
12 actually dissolved in the groundwater. Unfiltered
13 gives you information on dissolved and particulate.
14 BOARDMEMBER BAXTER: I didn't say a word,
15 did I?
16 MS. SOPHER: Would you like to? The
17 filtered data can be used for chemistry evaluations
18 and that kind of stuff. There's a lot of discussion
19 in the environmental industry about how fine your
20 filter needs to be to really truly tell you what's
21 exactly dissolved and what's exactly particulate.
22 And there's also a lot of discussion about what
23 standards are appropriate to apply to filtered and
24 unfiltered. So, it's just a point that's always in
25 discussion.

1 Generally it seems now most people, to err 15
2 on the conservative side, are using total, which
3 would be the unfiltered sample. Aquigeochemists will
4 tell you that that's not the good way to do things,
5 but ...
6 We also collected surface water and sediment
7 samples. You have maps with you in your package also
8 that show the sampling locations, and there's
9 different symbols for each type of samples we're
10 talking about. Surface water and sediment samples,
11 we basically call that grab sampling. Basically we
12 go with the bottle and fill it directly from the
13 sediment -- or the water. There's no pump or
14 anything involved in that type of sampling.
15 We also collected some wipe samples in the
16 building. These are basically qualitative
17 information, to tell you whether or not there is a
18 chemical present at a site. We do that in buildings
19 or on floors in those types of areas. We also did
20 some radiation surveys in the area behind the
21 hospital at Building 1801, and those use field
22 instruments that give you real-time readings of
23 radiation sources.
24 BOARDMEMBER BAXTER: I thought it was a
25 Geiger counter.

1 MS. SOPHER: A Geiger counter is one of 16
2 those -- I mean, there's a whole bunch of different
3 instruments that read.
4 BOARDMEMBER BAXTER: I thought that's what
5 you used, was a Geiger counter.
6 MS. SOPHER: Victory with a pancake probe,
7 and it does beta and gamma, primary sources.
8 This is my favorite slide for the evening.
9 Before we get into diving into the data, I wanted to
10 just point out a few of the issues that come up in
11 evaluating the vast quantity of numbers that we get
12 back when we run these type of analyses. And there's
13 a few things you'll see in the tables that hopefully
14 I can explain now before you get there, or else just
15 confuse things more.
16 The first issue is that some of the data
17 include what we call unknown compounds. Unknown
18 compounds come out of what we call GCMS analyses.
19 That's the method I mentioned before, gas
20 chromatograph mass spectrometer. That's the type of
21 method that stands for a very broad range of
22 compounds. And they will look at a huge range of
23 compounds from very low weight to a higher weight
24 compound and they'll tell us -- every compound that's
25 on our target analyte list, they'll tell us whether

17

1 it's there or not.

2 Also, any peak or any compound that they
3 identify in the first part of that analysis they run
4 through a computer matching to a library of about
5 100 other compounds that are known. If there is
6 no match they can confirm, they just call it an
7 unknown compound and they report it. It means it's
8 not one of the priority pollutants that's on the
9 target analyte list. It also means it's not one of
10 the other compounds that's included in that library.

11 In general we find those in areas where we
12 have a lot of petroleum hydrocarbons or other things
13 that could break down to smaller molecules. So in
14 most cases we look at them and note what the
15 concentrations were, but if there's a lot of other
16 compounds we just note that it's there. In general,
17 they can tell you -- the laboratory can tell you
18 whether there's three carbons in that molecule and
19 whether there's an oxygen in that molecule, but they
20 can't tell you exactly what the configuration of
21 those atoms are.

22 BOARDMEMBER BAXTER: So there's no
23 information on the toxicity.

24 MS. SOPHER: Correct. And generally because
25 of the fact they have this library of all the known

19

1 equipment. The second piece of equipment is known as
2 a second column, and they do that to confirm what
3 they found in the first column. EPA protocol is not
4 to report a detection unless it was confirmed by the
5 second column.

6 The Army protocol actually -- or the methods
7 that the Army certified lab, which was Data Chem,
8 was, was that they did report unconfirmed detections.
9 But EPA says you shouldn't do that. So, in
10 subsequent analyses we have not reported those
11 unconfirmed detections.

12 BOARDMEMBER BAXTER: But the specific site
13 included on the 8270 would be, quote, confirmed, just
14 by virtue now that --

15 MS. SOPHER: Right, because they've been
16 through the mass specs. But, again, those pesticides
17 are a higher detection limit when they're run on the
18 8270.

19 Then the other footnotes that you'll see on
20 the table is a note that there was a dilution in the
21 method. Often times if there is either -- if the
22 chemicals were at higher concentrations than the
23 line was calibrated for, they have to go back and
24 re-run the sample. And we try to note when the
25 dilution occurred, and it often times requires that

18

1 priority pollutants, that's just how the method runs.

2 BOARDMEMBER HORENSTEIN: This type of
3 analysis, is it right that the cleaner your substrate
4 you're looking at, the more accurate the analysis is?
5 With many contaminants, you start to lose accuracy --
6 MS. SOPHER: Yeah, basically the analyses --
7 they send you what the analyses look like. It's a
8 piece of paper with a whole bunch of squiggles on it,
9 and there's a lot of background sort of stuff in
10 there. It's harder to pick out those peaks, and they
11 also start overlapping. So, yeah, it's really
12 difficult sometimes for them to identify those. They
13 know how long it takes for each of these molecules to
14 come out of the machine. So, it's pretty amazing
15 what they can tell from the graph with the squiggles
16 on it.

17 The other thing that you'll note is that
18 some of the pesticides data has a "C" or a "U" next
19 to it. Pesticides are generally run by just a gas
20 chromatograph analysis, and that's a more specific
21 analysis that gets lower detection limits, for
22 example, than the semi-volatile organic broader
23 analysis gets.

24 What they do in that analysis is that they
25 run the sample through two separate pieces of

20

1 other compounds in that same analysis are diluted.
2 So, you may see a detection limit that is ten times
3 higher than the detection limit on the sample next to
4 it. That's because in order to run the methods for
5 that sample they had to dilute it. And these are
6 standard procedures in laboratories.

7 BOARDMEMBER BAXTER: Don't you normally
8 require for the lab, though, to explain why they want
9 to dilute it?

10 MS. SOPHER: Why they wanted to dilute it?
11 We require them to note how big the dilution was, and
12 actually in the data package they tell you that they
13 ran it one time and it was out of range --

14 BOARDMEMBER BAXTER: But they give a reason
15 for diluting it.

16 MS. SOPHER: Right. The database that comes
17 in just tells you what the dilution was. If you want
18 information on exactly what was the problem in the
19 sample, then the data package contains that
20 information.

21 So the other things that we look at when
22 we're looking at chemical data are we compare it to
23 quality control sampling, which we do at the site.
24 We do quite extensive quality control sampling. That
25 includes duplicates which look at reproducibility of

21
1 the lab or the sampling technique. We do risk blanks
2 that look at how efficient we were decontaminating
3 sampling equipment from one site to the next.

4 We have trip links that you put in the
5 cooler in your shipping, and those look at whether
6 there's any contamination from sample to sample, only
7 for volatile organic compounds that occurs during
8 shipping. The laboratory also runs a variety of
9 quality control on each of the methods that they run,
10 and that includes matrix spikes to look at whether
11 the material you were sampling, whether it was soil
12 or concrete or whatever is interfering with their
13 ability to run the method. They also run blanks to
14 see if there's any residual contamination in the
15 laboratory because they use a lot of chemicals such
16 as solvents to extract these chemicals out of the
17 samples.

18 Background levels at the site refers to the
19 fact that there's a lot of naturally occurring
20 compounds just in the soil and rocks around here.
21 Primarily we'll look at metals in those samples or in
22 organic compounds. And we have gone around to areas
23 where we did not have any records that there was
24 historical industrial activity at the site and we get
25 a range of concentrations that we find in the soil

1 and sand materials just at the site.

2 And then we compare our data so that we can
3 evaluate whether the concentration, for example of
4 iron, that we're looking at in a soil sample from a
5 landfill is really any higher than what we find just
6 out here in the yard.

7 Then we also do initial screening. We may
8 compare the sample results to either drinking water
9 standards, or we can look at EPA remediation goals,
10 just to get a sense of whether our data is really a
11 lot higher or whether it's in line with a lot of the
12 other numbers that are out there.

13 Jan, do you want to say anything about
14 background?

15 BOARDMEMBER BAXTER: I thought you did it
16 very well.

17 MS. SOPHER: Thank you. This is a list of
18 the sites that were evaluated during the Remedial
19 Investigation and Feasibility Study at the hospital.
20 I'm going to quickly go through these first three
21 areas where there's not that much data to look at.
22 If you'll look on your maps, Building 1801 is the
23 large main hospital building in the center of the
24 site. Building 1807 is this building to the east,
25 and it was a research facility for the hospital for

23
1 the Public Health Service. And Building 1827 is the
2 building over here that was a pesticide storage area.

3 BOARDMEMBER BAXTER: What kind of research?

4 MS. SOPHER: They did disease research,
5 Hansen, leprosy.

6 At Building 1801 there's an incinerator on
7 the back of the building. We collected the ash out
8 of the incinerator and sampled it and did detect
9 metals, which is pretty typical. When you burn just
10 about anything all you get left with is metals,
11 because all the organic compounds and all the carbon,
12 all that kind of stuff goes away.

13 BOARDMEMBER MEYERS: What sort of
14 temperature was that operated at?

15 MS. SOPHER: I don't really know.

16 BOARDMEMBER MEYERS: Because you might
17 combust a lot of organic compounds in a conventional
18 incinerator.

19 MS. SOPHER: I'm not sure. It was the
20 incinerator for the hospitals. I'm not sure what
21 kind of technology was in that. Actually, we
22 collected all the ash that was left in the
23 incinerator as part of the sample, so there was
24 really nothing left to deal with at that site, which
25 was kind of handy.

24
1 BOARDMEMBER MEYERS: Did you look for
2 dioxin?

3 MS. SOPHER: We did PCBs, not dioxin in that
4 sample. But, again, it was all taken out of the
5 incinerator.

6 BOARDMEMBER MEYERS: And what would have
7 gone out the stack during normal operation?

8 MS. SOPHER: The carbon, all the organic
9 compounds.

10 BOARDMEMBER BAXTER: I had just a thought
11 that occurred to me. Did anyone ever compare the ash
12 you got out of this incinerator with the ash that was
13 found in Landfill 2, or were they at two different --

14 MS. SOPHER: You mean compared the
15 concentrations? Well, both of them had very high
16 lead levels, as a matter of fact.

17 BOARDMEMBER BAXTER: Just to see if they had
18 the same kind of constituents, or --

19 MS. SOPHER: No, this was collected in --

20 BOARDMEMBER BUCK: This was the Public
21 Health, and Landfill 2 was not part of that.

22 BOARDMEMBER BAXTER: I just wondered,
23 because they did something with the ash and you found
24 ash in Landfill 2, and it just occurred to me that
25 maybe --

1 MS. SOPHER: There's also ash at Landfill²⁵
2 at about the time of the 1906 earthquake stuff.
3 BOARDMEMBER ALEXANDER: What were we talking
4 about, the incinerator being in operation up to what
5 year?
6 MS. SOPHER: The hospital closed in 19 --
7 BOARDMEMBER BUCK: '81 -- whether it was
8 still operating --
9 MS. SOPHER: We don't know exactly the
10 closing date of the incinerator.
11 BOARDMEMBER BUCK: The most recent would
12 have been in '81.
13 BOARDMEMBER HORENSTEIN: Is it used
14 primarily for medical waste, to get rid of infectious
15 type waste, or was it used just for disposal,
16 garbage?
17 BOARDMEMBER BUCK: I think it was probably
18 carcasses were perhaps burned in there, and I think
19 just normal trash.
20 MS. SOPHER: Because of the lead levels and
21 the other metal levels in that ash we did sample
22 around the playground that's just behind there at the
23 Chinese-American School, and the metals in that area,
24 after comparison to the standards and background
25 levels, were within all of our background levels at

1 definitely below 100. So, well below the California²⁷
2 lead limit.
3 BOARDMEMBER REINHARD: I think everybody
4 around here doesn't know what you mean when you say
5 "UBK" or "300" or "100", and maybe for their benefit
6 you could explain.
7 MS. SOPHER: The 300 is a parts per million
8 unit which is typically in soils what the units are
9 for the results. And the parts per million is
10 equivalent to micrograms per gram, which is the unit
11 that you'll see on these tables. In groundwater
12 samples we're talking about parts per billion or
13 micrograms per liter on those samples.
14 The UBK is a model that's used to assess
15 blood -- it uses blood lead levels and
16 back-calculates blood lead levels from soil
17 ingestion, soil ingestion of soils containing lead.
18 So, it looks at what the concentration needs to be
19 for a person, and it's based on a standard amount of
20 soil that you assume that someone eats every day and
21 how much of that lead would get into their
22 bloodstream. That's how the lead risk models are
23 .
24 AUDIENCE MEMBER: Question for you: When
25 you said 300 parts per million, was that a one-time

1 the site. We also did a radiation survey back there²⁶
2 and there were no sources identified.
3 BOARDMEMBER MEYERS: Did that include alpha
4 sources?
5 MS. SOPHER: The detector that we use does
6 do some alpha but it's more specific to beta and
7 gamma.
8 BOARDMEMBER BAXTER: The detectors used, are
9 they as sensitive as sodium iodide detectors that are
10 commonly used now on Navy sites with radiation
11 problems?
12 MS. SOPHER: I don't know. I can look that
13 stuff up. You can give me the details on your Navy
14 detector and I can find out. I don't know. Any
15 other questions on 1801?
16 BOARDMEMBER HORENSTEIN: I have a question.
17 You said the lead is within the background levels.
18 How are the background levels compared to EPA limits
19 on lead?
20 MS. SOPHER: Actually, the lowest level, if
21 you plug the default parameters into, for example,
22 lead, into the California UBK model you get about
23 300, something around 300. And our background, I
24 think, was more like 27 or something like that. But
25 these levels were definitely -- I think they were

1 thing or was that an average for that --²⁸
2 MS. SOPHER: No, that's the default number
3 that you get when you --
4 AUDIENCE MEMBER: But on one site, what
5 number did you get on that site?
6 MS. SOPHER: The table is actually in the
7 back --
8 BOARDMEMBER BUCK: Seventy-two.
9 AUDIENCE MEMBER: So you never got anything
10 close -- thank you.
11 MS. SOPHER: This is at the Chinese-American
12 playground.
13 BOARDMEMBER REINHARD: I just want to add to
14 what Elizabeth said when she says that the model
15 talks about people eating soil. With lead that is
16 actually a real concern. It's not a ridiculous
17 notion, because children eat soil as a habit, and
18 there is a school playground near this area. So, in
19 the development of these numbers, for lead
20 especially, soil ingestion is a real consideration.
21 And when we talk about other parts of the site
22 involving risk assessment issues and soil levels,
23 that is one of the concerns.
24 MS. SOPHER: In the risk assessment for
25 other types of compounds besides lead they use a

1 different type of calculation, but it's the same
2 thing; you look at a child or an adult eating a
3 specific amount of soil each day. And these numbers
4 are pretty standard across the risk assessment and
5 toxicology industry for what numbers go into those
6 models.

7 BOARDMEMBER BAXTER: You might also explain
8 that you're talking about the Chinese-American School
9 playground, the surface composites in them?

10 MS. SOPHER: Yes.

11 BOARDMEMBER BAXTER: But you took bits and
12 pieces from various places on the playground and
13 mixed them all together and sampled the results.

14 MS. SOPHER: Right. Those are used in an
15 area where you want to get a sense of whether you
16 need to go back and look again for more specific
17 data.

18 BOARDMEMBER STUHMILLER: Can you just
19 identify where the school is?

20 MS. SOPHER: Oh, sure. The sample locations
21 are shown here with these diamonds, and it's right
22 back in here. This is the playground area. The
23 incinerator and ash sample are shown here on the west
24 side of the building.

25 BOARDMEMBER ALEXANDER: I think your

1 confusion -- the Chinese-American School uses a
2 portion of, I believe, the ground level of the old
3 hospital building. They're a tenant.

4 MS. SOPHER: Okay. Building 1807, as I
5 said, was an area that they did leprosy research. We
6 contacted experts in the medical research industry
7 and some doctors at the Public Health Service and got
8 information from them as to how long-lived any of
9 those micro-organisms that they were working with in
10 that building were, and they felt that there was no
11 danger for micro-organisms still existing in those
12 buildings. And there's some data in The RAP, the
13 letters from those researchers stating their position
14 on that issue. So, that area wasn't looked into any
15 further.

16 Building 1827, again, is right here. It's a
17 wooden structure and it's about 1,200 square feet.
18 We did some wipe samples in there and detected
19 pesticides and metals and realized that something
20 would have to be done to the structure either to
21 clean it out or to demolish it. So, we conducted a
22 Feasibility Study for demolition or decontamination
23 of that building.

24 And the alternatives in the summary of that
25 is in the RAP, and the fact sheet. This is just

1 another summary of the alternatives that were
2 considered for the site and the Army's previous
3 alternative.

4 BOARDMEMBER MEYERS: Is there soil boring
5 made in there?

6 MS. SOPHER: Actually, the Corps of
7 Engineers in the removal and demolition project is
8 doing soil sampling underneath the building. We
9 couldn't get under the building when we were doing
10 ours, but they're doing that as part of --

11 BOARDMEMBER MEYERS: And they'll be looking
12 at groundwater as well?

13 MS. SOPHER: Well, they'll decide, based on
14 their soil sampling results, whether or not we need
15 to continue down to the groundwater level.

16 In all of these Feasibility Studies we
17 always evaluate a No Action Alternative. That's
18 required by the EPA guidance and it's used as a
19 comparison to any of the other alternatives that we
20 develop for the site.

21 For this case, after the screening of
22 technologies to treat pesticides and metals in a
23 wooden structure, the alternatives that were
24 assembled included institutional controls, which
25 would just be to limit access to the building or the

1 demolition and removal of that building. The Army's
2 preferred alternative is to just get rid of the
3 building and dispose of the material in a regulated
4 landfill and to perform soil sampling beneath and
5 around the building.

6 BOARDMEMBER ALEXANDER: When was the
7 building built?

8 BOARDMEMBER BUCK: It's not an historic
9 structure. We know that.

10 BOARDMEMBER ALEXANDER: Has it been
11 specifically exempted from being an historic
12 structure?

13 BOARDMEMBER BUCK: Correct.

14 BOARDMEMBER HORENSTEIN: What were the main
15 pesticides in storage?

16 MS. SOPHER: They're organochlorine
17 pesticides primarily. It was used before they got
18 rid of the ban on -- I think chlorine was detected in
19 that. The data is in there. I can't remember
20 exactly, but you have the data in your --

21 BOARDMEMBER BUCK: Actually it was a variety
22 of stuff and they had to dust the roses and -- you
23 know, the gardener kept the supply, and also for pest
24 control.

25 BOARDMEMBER BAXTER: Is that with 1827?

33

1 Before we leave this area in general, I notice that
2 on a couple of the ash samples you had hazardous
3 waste levels for lead and release. Did you sample
4 around these areas and make sure there weren't any
5 hazardous --

6 MS. SOPHER: It's all paved right around
7 there. The whole thing in there is concrete at the
8 edge there and the rest of that area is paved. But
9 we did sample those in that surface soil sample, I
10 mean, for those metals.

11 BOARDMEMBER BAXTER: You checked the
12 concrete, or has the incinerator been disposed of to
13 go check --

14 MS. SOPHER: No. It's still there.

15 BOARDMEMBER BAXTER: But the ash you
16 disposed of?

17 MS. SOPHER: The ash all went to the lab, so
18 they had all the results for that, and they have to
19 dispose of that as part of their process.

20 BOARDMEMBER HORENSTEIN: I have a question
21 on the incinerator also. Did you look at kind of the
22 ambient wind conditions and where the plume and
23 natural fall-out of the ash would be to do sampling,
24 or you just looked at the playground area because of
25 the --

35

1 MS. SOPHER: Right. This is just some
2 physical data on Landfill 8. The maximum thickness
3 that we observed at the site was 13-1/2 feet. That's
4 based on a combination of soil boring data, well
5 boring data, geophysical data evaluation of
6 historical topography maps of the site and historical
7 aerial photos. So, 13-1/2 feet is the maximum
8 thickness that we know of in that area.

9 It's about 60,000 square feet, the area that
10 it covers. It's about 13,000 cubic yards of material
11 in the landfill. And primarily what we observed in
12 the borings and the wells and the test pits is that
13 it's sandy material with fragments of concrete,
14 plaster, glass, brick and tile in it.

15 The next slide that you have shows an aerial
16 photo. This is from the RI -- sorry.

17 BOARDMEMBER ALEXANDER: Were the fragments
18 extensive?

19 MS. SOPHER: There's blocks of concrete --
20 you mean how big are they?

21 BOARDMEMBER ALEXANDER: I get the impression
22 that it's mostly sand from --

23 MS. SOPHER: There's a lot of sand as a
24 mix in between chunks of concrete and chunks of
25 tile.

36

1 MS. SOPHER: Because it's right basically
2 underneath the stack -- the building itself just goes
3 to the west from there, so we didn't sample anywhere
4 else around the building for metals.

5 BOARDMEMBER HORENSTEIN: Because
6 incinerators have this natural plume in a natural
7 area where the ash would fall. It may not be and
8 probably isn't right next door to it.

9 MS. SOPHER: The reason that the sampling
10 was done at that playground, just because of the
11 potential exposure to the kids there. That was the
12 closest receptors, actually, to that site. There is
13 sampling going on in the soils at 1827 right there,
14 and there was soil sampling to the north of there and
15 to the southwest in Landfill 10. But, no, we didn't
16 do, like, a plume analysis of the incinerator.
17 Anything else? Well, I want to move on to Landfill
18 8, and John can point it out.

19 BOARDMEMBER BUCK: The line here indicates,
20 based on our investigation, or what we believe, are
21 the boundaries of the Landfill 8. Greg will display
22 some information regarding what some more recent
23 information they have developed. But in proximity
24 it's up the hill somewhat from the landfill in this
25 direction. You have the dimensions on that.

1 BOARDMEMBER BUCK: Some very large concrete
2 blocks.

3 BOARDMEMBER ALEXANDER: So if the disposal
4 materials -- I mean, it was used for disposing of
5 concrete, plaster and glass and tile, and that got
6 all mixed in --

7 MS. SOPHER: They would put sand in as a
8 fill material in between. Like now, you know, they
9 put a soil cover after you put stuff in a municipal
10 landfill. It's hard to drive bulldozers and loaders
11 onto huge blocks of concrete. So, I think that's
12 just the practice that they use.

13 BOARDMEMBER ALEXANDER: So they grabbed some
14 sand from nearby and skip-loaded it in to fill in the
15 gaps. Okay. I like to get a picture of what was
16 actually going on, because otherwise this stuff is so
17 sterile you don't really have an idea of what
18 happened.

19 MS. SOPHER: Right. The Public Health
20 Service used this area as a landfill for the stuff
21 they didn't know how to get rid of.

22 AUDIENCE MEMBER: What's that? What stuff
23 are you talking about?

24 MS. SOPHER: Just concrete, building
25 materials, tile, glass, brick, that kind of stuff.

37
1 There's hand-outs actually on the chair as you came
2 in.
3 BOARDMEMBER HORENSTEIN: What was the basis
4 for, like, the number of bore samples you did on a
5 site like this?
6 MS. SOPHER: We're just trying to get a feel
7 for what's in the landfill. We didn't use any
8 statistical determination of how many samples we
9 need. We looked at surface soils and then did four
10 borings actually at depth down to 20 feet and looked
11 at what material is coming out of the landfill there.
12 Based on the size we just distributed the samples
13 around. There wasn't any specific requirement that
14 for every 200 square feet or something that we put in
15 a boring.
16 BOARDMEMBER HORENSTEIN: So four borings --
17 MS. SOPHER: Four borings and eight surface
18 soil samples.
19 BOARDMEMBER HORENSTEIN: There's not a
20 convention that you follow, X number at a landfill or
21 potential contaminated site --
22 MS. SOPHER: No --
23 BOARDMEMBER BUCK: Well, frequently in
24 landfills you don't really -- a lot of times you
25 don't do any invasive work because it's such a

1 heterogeneous disposal operation.
2 BOARDMEMBER HORENSTEIN: You just look at
3 the leachate.
4 MS. SOPHER: Right, that's why the wells --
5 BOARDMEMBER BUCK: That's really -- if you
6 target the groundwater primarily, that's the best --
7 MS. SOPHER: Best indication of what's in
8 there.
9 BOARDMEMBER MEYERS: There's only three
10 groundwater wells for the whole site, isn't there?
11 MS. SOPHER: Well, that's what's required --
12 actually, we tried to put a fourth well in and it's
13 been dry over in this area. The requirement in RCRA
14 for landfill monitoring is three downgradient and one
15 upgradient well. And actually as part of the
16 alternative for Landfill 8, or the proposed
17 alternative, is trying to find a location to put the
18 third downgradient well to monitor what's coming out.
19 AUDIENCE MEMBER: What was found in the
20 background of the groundwater above Landfill 8?
21 MS. SOPHER: There's metals -- we always get
22 metal detections in water. We found one pesticide
23 detected, an isomer of the pesticide lindane was
24 detected, upgradient groundwater sample.
25 BOARDMEMBER MEYERS: That well is actually

39
1 in the Franciscan Formation, isn't it?
2 MS. SOPHER: The first water-bearing unit at
3 this location is the sandy or clayey, silty sand
4 that's right above the Franciscan Formation.
5 BOARDMEMBER MEYERS: So it's a screen above
6 the Franciscan Formation.
7 MS. SOPHER: It's in the -- probably
8 weathered, what is actually the gradation between the
9 weathered Franciscan and the overlying sand. In this
10 area and a lot of upland areas of the Presidio we did
11 not encounter groundwater until we got to the area
12 that's just above the Franciscan Formation.
13 BOARDMEMBER BAXTER: Then your other two
14 wells are definitely in --
15 MS. SOPHER: The idea in all these is to
16 screen the first water encountered, because any
17 leachate coming from the landfill would go straight
18 down, probably, or move down to the groundwater. So
19 the wells are screened across the first water-bearing
20 units.
21 AUDIENCE MEMBER: Are we sure that the water
22 in this particular landfill or the leachate would move
23 straight down?
24 MS. SOPHER: Well, it would move either down
25 or slightly downgradient. If there was a bedrock

40
1 formation --
2 AUDIENCE MEMBER: But there's no definitive
3 sureness.
4 BOARDMEMBER HORENSTEIN: I think the real
5 challenge is trying to -- if you do have a
6 contamination plume, trying to capture it in three
7 wells.
8 MS. SOPHER: But the area is only about 300
9 feet across that landfill.
10 BOARDMEMBER BAXTER: I thought RCRA
11 requirements assume that when you put three wells in
12 it was all in the same water-bearing soil.
13 MS. SOPHER: Jan, that's the first water. I
14 mean, you can't screen Colma in a well, if there's no
15 water in the Colma.
16 BOARDMEMBER BAXTER: Part of the reason that
17 they require the one upgradient and three
18 downgradient is to compare naturally occurring metal.
19 MS. SOPHER: Right.
20 BOARDMEMBER BAXTER: And if you have water
21 coming out of a certain type of formation naturally
22 higher in water, then the formation would be
23 downgradient. You're basically making no --
24 MS. SOPHER: But, see, there's no water to
25 compare -- I mean, the problem is you have to have

1 water in order to install the well. If we have --⁴¹
 2 BOARDMEMBER BAXTER: I'm not arguing that
 3 point, but what I'm saying is to use it and evaluate
 4 as if it was all in the same stuff is probably
 5 --

6 MS. SOPHER: Well, the metal levels in the
 7 wells didn't -- I don't think were that different in
 8 this case. I mean, I'm sure we've talked about that
 9 before.

10 BOARDMEMBER BAXTER: We might have.

11 MS. SOPHER: The issue here is that we're
 12 trying to capture the first water, or the most likely
 13 place for any leachae to collect or go from the
 14 landfill. The hill that's uphill from the landfill
 15 is probably a better ox surface hill that's covered
 16 with dune sand and that stuff. And then if the
 17 landfill wasn't there, there would have been a
 18 steeper slope down that valley. So, you do have
 19 different soils and sand units and rock units there.

20 MR. HENDERSON: Jan, the Corps is going to
 21 be putting in the well screens in the Colma.

22 MS. SOPHER: Rob?

23 BOARDMEMBER REINHARD: I think this
 24 discussion is important, but sometimes when Jan and
 25 Elizabeth talk, because they're so knowledgeable,

1 direction where if there was contamination the wells⁴³
 2 would pick up that contamination, that's a good idea,
 3 and the one well upgradient, that is, where it would
 4 be impossible, so to speak, for contamination to
 5 occur is okay, because you just want to have a
 6 comparison.

7 If the upgradient well shows zero and the
 8 downgradient well shows ten parts per million, then
 9 you know something is wrong there. So, that's the
 10 source of figuring out how many wells. And I know
 11 Jan has a little concern with how they were put in
 12 and maybe whether they're enough or not. Personally
 13 I'm kind of satisfied, but I just didn't want us to
 14 rush over this discussion without setting the context
 15 a little bit.

16 BOARDMEMBER MEYERS: Also, you know which
 17 way the water is moving.

18 MS. SOPHER: With three wells generally you
 19 can identify which way the water is moving. We had a
 20 dry boring in one area so we know, at the time where
 21 we put the wells in, where there was saturated soils
 22 and where there was unsaturated. We also used, in
 23 case, some topographical information. When you
 24 walk out to a site and you see a big hill over here
 25 and a creek down here, it's a pretty good bet that

1 they use some acronyms and terms that you may not be⁴²
 2 familiar with. And I want to add a little, or
 3 context, to what Liz is saying. When she says RCRA
 4 requires three downgradient wells and one upgradient
 5 well, RCRA is one of those laws that Elizabeth was
 6 talking about before that you have to look at the
 7 requirements of other statutes or other regulations
 8 to figure out how to go about doing a proper job.
 9 And RCRA stands for Resource Conservation and
 10 Recovery Act.

11 And the reason Elizabeth wants to look at
 12 that statute is because it's a statute which is
 13 concerned with operating basically or sometimes
 14 abandoned landfill areas. And the law sets out a lot
 15 of detailed requirements for what she was just
 16 talking about: How do you know that the landfill is
 17 operating properly, you said, in these monitoring
 18 wells? And it also gets down to the nitty-gritty
 19 details of how many wells are enough or how many is
 20 too few --

21 MS. SOPHER: And exactly what statistics you
 22 have to run.

23 BOARDMEMBER REINHARD: Right, and what is a
 24 good example and stuff like that. So, the idea of
 25 putting three wells downgradient, that is, in the

1 even though the soil may be kind of flat in the⁴⁴
 2 middle that, you know, downgradient --
 3 BOARDMEMBER MEYERS: I thought I read the
 4 water was moving southeast. I think maybe you mean
 5 southwest.

6 MS. SOPHER: It moves southeast towards
 7 Mountain Lake in the landfill area itself. The
 8 creek, actually, you're right, is over, but it's
 9 going --

10 BOARDMEMBER MEYERS: And the dry well is to
 11 the southeast as well.

12 MS. SOPHER: But see there's also bedrock
 13 issues. We have hard rock material that's under, in
 14 deeper areas. So in general it will flow in many
 15 cases in the same way that the surface topography
 16 flows, but you also have to know about the lithology
 17 of the site in order to --

18 BOARDMEMBER MEYERS: So sometimes it's not
 19 flowing towards the creek.

20 BOARDMEMBER BAXTER: Or the spring.

21 BOARDMEMBER MEYERS: Where does the spring
 22 get its water from?

23 MS. SOPHER: Well, the spring is actually a
 24 manhole.

25 BOARDMEMBER BAXTER: It's a natural spring,

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1 I'm told.

2 MS. SOPHER: It's moving down the hill in
3 general. I mean, you may have it go this way and
4 then back, but it's generally --

5 BOARDMEMBER MEYERS: I guess -- is it
6 feeding the creek? That's the bottom line?

7 MS. SOPHER: It looks like here it's
8 probably feeding Mountain Lake if this grading
9 continues and the bedrock isn't causing any wiggles,
10 but in general it's moving to the south. It seems
11 that Mountain Lake, because there's no outlet,
12 actually seeps to the creek anyway. So, it's all
13 part of one hydrologic area that the ultimate end of
14 that would be Lobos Creek.

15 BOARDMEMBER BAXTER: I guess I'll just add a
16 bit on my concern with the upgradient wells, that
17 while you have three wells, only two of the wells are
18 in the same thing. And the normal procedure is to
19 have gradients determined by three wells in the same
20 thing. So, I think that when the Army Corps gets its
21 wells in, the gradient will actually be determined
22 more reliably than it is now.

23 MS. SOPHER: But you have to remember that
24 just because we went from Colma to weather
25 surpontonite does not mean necessarily that the

1 different water-bearing units -- there's contact
2 between the overlying sand material and the weathered
3 surpontonite. There's no barrier that stops water
4 from going down through the sand into the weathered
5 surpontonite. So we would call that one
6 water-bearing unit, although the rock or sand
7 formation that's in that unit changes.

8 BOARDMEMBER BAXTER: Right, but the way that
9 the water moves through the unit would be different
10 between the two units.

11 MS. SOPHER: Possibly.

12 BOARDMEMBER BAXTER: It can move in very
13 different directions in the fractured bedrock than in
14 the Colma site.

15 MS. SOPHER: Again, this isn't the hard
16 bedrock fracture. This is the weathered, crumbly,
17 silty, sandy, cruddy, weathered surpontonite. Jan
18 pictures the rock with fractures. What we encounter,
19 actually, when we drill into this material, is that
20 we go from a sand unit with some silt and clay in it
21 to a very clayey matrix that has chunks of
22 surpontonite in it and broken down surpontonite which
23 breaks down to clay and sand and rock.

24 BOARDMEMBER BAXTER: I'm just used to when
25 people put bedrock on a boring rock for it to be

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1 solid bedrock.

2 BOARDMEMBER MEYERS: There is no bedrock
3 aquifer in this part of San Francisco?

4 MS. SOPHER: They're probably in the bedrock
5 aquifer. We haven't drilled -- we haven't found
6 enough in the groundwater in the areas that are
7 closer to the source areas in order to require that
8 we do a bedrock aquifer study.

9 BOARDMEMBER BAXTER: Isn't the golf course
10 -- don't they have the wells -- didn't I ask you
11 this, Elizabeth, the golf course wells --

12 MS. SOPHER: The golf course wells are very
13 deep. There are no laws for those golf course wells
14 and so it's very uncertain where the water is coming
15 from in those wells.

16 BOARDMEMBER BAXTER: But they could be a
17 Franciscan bedrock.

18 MS. SOPHER: Could be. The bedrock wells
19 are actually just east of Mountain Lake.

20 BOARDMEMBER ALEXANDER: A couple of the
21 points along the lines of the explanation that Bob
22 was doing -- I have a passing familiarity with
23 geology. I'm not sure everybody here does, and I
24 think it might be useful to give some sense of what a
25 Franciscan Formation is, what you actually see when

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1 you drill a well, pull a sample, as you pull core
2 same as you drill. What do you see? What's the
3 geology of the area look like? That's a broad issue,
4 but I think it might be useful to people.

5 The other point is I recall at Crissy Field
6 we discovered, to the surprise of a lot of the
7 experts, that there was a double layer of
8 contamination of a sub-surface contamination and that
9 the lower layer was not expected -- that was the
10 surprise -- and that you actually had two layers
11 separated, as I recall, by an impermeable clay
12 material. So because you have this impermeable clay,
13 something that doesn't allow water and pollutants to
14 pass through, you wouldn't expect when you punch
15 through it to find another pocket of contaminated
16 water.

17 Why are we so -- why are you so confident
18 that we might not be looking at that kind of a
19 problem in this area? And perhaps we might start
20 with an overview of the geology so everybody is
21 grounded before we get to some of the specifics
22 regarding the geology and the way pollutants and
23 groundwater moves through the different geological
24 formations.

25 MS. SOPHER: Sure. I'll try and address the

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1 regional geology picture, and I might ask Hugh to
2 tell you something about the petroleum hydrocarbon
3 issue at Crissy Field. I think an easy way to think
4 out the geology at this site -- as you know, there
5 are big hills up this way. There's the bay down
6 there, flatland area.

7 In this area the rock that's in the center
8 of this site -- and there's a ridge that goes kind of
9 northwest to southeast across the site -- is made of
10 what is a bedrock ridge. We call that hard rock
11 that's actually, in this case, called a Franciscan
12 Formation. It's a mixture of a whole bunch of
13 different types of units that have been uplifted here
14 due to the faulting and activity at the land. In
15 many areas when sea level was much lower, was draped
16 by a formation, a sandy, silty formation, that's
17 called the Colma formation.

18 First of all, you can see the serpentinite
19 bedrock, which is what we mostly drill into in this
20 area. When you drive up the hill that says, "No
21 Bikes" when you're going up to the bridge, there's a
22 big bluish-greenish out-crop. That's the
23 serpentinite at the site. When you get a hard piece
24 of serpentinite -- it's a hard greenish-bluish rock.
25 There's also silty units or shale units that are hard

1 rock. For example, if you know where Battery
2 Dynamite is, that's sandstone or more silty material
3 that's also from the Franciscan Formation.
4 BOARDMEMBER BAXTER: Gray wacky. People
5 can remember it by a weird name.
6 MS. SOPHER: Weird name. And all these
7 formations, if you study geology, you'll know what
8 type of environment forms a gray wacky as opposed to
9 what type of environment forms a sandstone. These
10 are hardened rocks. They started out as sand or silt
11 somewhere and they were hardened either by pressure
12 or calcite running through them that hardened it up.
13 Then on top of this area, as I said, is the
14 Colma formation which geologists will tell you is
15 semi-consolidated. So, it's not quite rock but it's
16 not quite loose sand. And that area -- you can see
17 Colma formation if you walk along the base of the
18 cliffs at Baker Beach. It's an orangy-yellow sandy
19 unit. And then we have a lot of loose dune sand in
20 the area also. Those are, for example in the area
21 that says "Area of lessingia," that would be dune
22 sand, and you can identify that by the fact that it's
23 fine grained sand and it's loose.
24 So when we drill a well -- for example, when
25 we drilled at Landfill 8 -- first we'll drill through

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1 four or five -- I'm just making up numbers -- say
2 four or five feet of sand. So I pull up a core from
3 my drill rig and they opened it up and I see just
4 sandy material. And then it may change color or it
5 may be harder in the next five-foot unit.

6 So, we look at that and compare it to the
7 other borings in the area and the other geological
8 literature for the site, and that gives you an
9 indication of whether that's a formation that's been
10 named in the area, and you compare between your
11 borings and your wells at the site and we draw cross
12 sections and all that kind of stuff trying to match
13 the information from the different wells.

14 And then in this case we drill through what
15 we call the Colma formation which is a siltier sand,
16 and then we start getting into what, after much
17 drilling in the area, we've identified as weathered
18 serpentinite. And that looks a lot different. It's
19 a greenish color. It's a different consistency. It
20 has different grain size. So, we use all those
21 indicators to try to form a picture for ourselves of
22 how thick that sandy unit is and how thick the Colma
23 formation is and where the bedrock is at the site.

24 BOARDMEMBER REINHARD: I think it's also
25 worth adding that the reason people care about that

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1 -- it's very interesting -- is that when contaminants
2 are moving around in these kinds of either soils or
3 rocks -- well, a loose sandy soil will -- and you can
4 correct me if I'm wrong because you're better at
5 saying this than I am -- that it's kind of easier for
6 stuff to move through the loose sandy soil and it
7 moves faster.

8 And the problem with bedrock formation is
9 that although you don't go through bedrock,
10 sometimes --

11 MS. SOPHER: Or you may not go through
12 bedrock.

13 BOARDMEMBER REINHARD: Yeah, you may not go
14 through bedrock. The other problem, though, is
15 sometimes there's all these cuts and gouges in the
16 bedrock so you have these little channels where
17 things can slip in and go around or under --

18 MS. SOPHER: There's also not a flat bedrock
19 surface. I mean, in many cases you have channels in
20 the bedrock because that used to be a mountain range
21 with a valley coming out of it. I mean, if you think
22 about the land forms that you see, just imagine all
23 those things buried by millions of years of sand
24 deposition.

25 BOARDMEMBER REINHARD: Yeah. So it's quite

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1 difficult to do what I think Elizabeth is describing.
2 Figure out a good description because you can't put a
3 hole everywhere, and you do have to kind of use a lot
4 of professional judgment, as I think she was doing.

5 MS. SOPHER: I want to touch on one answer
6 to the next part of the question. Every place that
7 we have drilled into the bedrock here -- we drilled
8 through several feet, and it varies in different
9 locations at the site. We drilled through several
10 feet of what we're calling weathered serpentinite,
11 which means that that rock was sitting out in the
12 open, just like you'd see it on the side of "No Bike
13 Hill," and it's clayey, basically, but there's some
14 chunks of serpentinite rock in there.

15 And then we hit what often causes the drill
16 rig not to be able to drill any further, and that has
17 been dry material everywhere we have drilled into it.
18 And there are some seeps -- as Jan would point out if
19 I didn't say it -- along the hill behind the 900's
20 area. So there's either water moving over the top of
21 that or possibly through part of that, but we don't
22 see a large influx of fresh water in the 937 area,
23 for example, from our chemistry data down there.

24 BOARDMEMBER BAXTER: There was one thing I
25 did want to make is that the bedrock -- and this is

1 just from a general statement. The bedrock around
2 here in general is assumed not to have very much in
3 the way of water. But bedrock, what people are
4 calling bedrock here, in other parts of the country
5 is their main supply of groundwater. It's reservoirs
6 of oil. So, it can hold and transmit fluids. But in
7 general, when people are talking about bedrock around
8 the San Francisco area they are usually talking about
9 something they think doesn't have water.

10 MS. SOPHER: Or you may have to drill 5,000
11 feet to get the water.

12 BOARDMEMBER HORENSTEIN: Did you run a
13 groundwater model?

14 MS. SOPHER: We did groundwater modeling in
15 the 937 area where we have some contamination in the
16 groundwater, at the west end of Crissy Field. And I
17 think the Corps of Engineers is now doing a model for
18 the 637 area. In general, if we haven't detected a
19 lot in the groundwater, we haven't run a model
20 because there's not an issue about length of travel
21 time for a contaminant, for example.

22 AUDIENCE MEMBER: Does that apply to 8? You
23 did do a model on 8. Does that apply to 8?

24 MS. SOPHER: We didn't do what we call a 3-D
25 computer model. We developed conceptual models for

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1 ourselves of how the groundwater is moving through
2 the site, but we did not run what hydrogeologists
3 would call a computer model at this site.

4 AUDIENCE MEMBER: That was because there was
5 no contamination; is that correct?

6 MS. SOPHER: Well, there are some
7 detections, but we have not identified a large plume
8 or anything like that.

9 BOARDMEMBER HORENSTEIN: But groundwater
10 models is the industry convention to determine --
11 identify how a plume, how the pollutants would travel
12 from a potential site given the inexact science of
13 permeability of the soils and the topography --

14 MS. SOPHER: Very inexact science.

15 BOARDMEMBER HORENSTEIN: Exactly. So, not
16 having run a groundwater model, I mean, it's
17 difficult, given this inexact science, to sink three
18 wells in hopes that if there were a plume it would be
19 captured in one of the wells.

20 MS. SOPHER: Well, actually the way the
21 wells are here, the two are just about downgradient.
22 And if we did put in three wells and found out --
23 actually at Landfill 1 we put in additional wells,
24 because after putting in the initial wells it didn't
25 look like we had an upgradient well at that site.

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1 When we first went out there we walked around and we
2 said, "We think this is upgradient based on the
3 regional geology and regional hydrology that we know
4 about the site."

5 So sometimes, yeah, you do have to go back.
6 You can't do a model, though, unless you have a lot
7 of data points in order to calibrate your model, and
8 it's a very small site.

9 MR. HENDERSON: You don't run a model before
10 you have any groundwater data because the model needs
11 all that data. And secondly, basically what your
12 model is going to show you are two things, the fate
13 phase and transport model you can run, which tells
14 you what happens to the contamination and how far
15 does it go and how far can it go in a given amount of
16 time.

17 Then the other thing that you run models for
18 is if you're going to design some sort of remedial
19 effort pump and treat, and can I get some sort of
20 containment and cleanup of the plume. You don't
21 necessarily want to run a model --

22 MS. SOPHER: Well, you can't run a model
23 unless you have a lot of data points, because I can
24 divide this area up into grids, and then I have to
25 estimate that every node in that grid -- what all the

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1 soil properties are in the cross section of that area
2 and what all the hydrologic properties are. I mean,
3 the problem with models is running them with little
4 a you can get whatever answer you want out of
5 a.

6 BOARDMEMBER REINHARD: Also they're not
7 cheap to do.

8 MS. SOPHER: Right. And unless there's a
9 reason to run it -- like Roger said, to do fate and
10 transport or a comp test for a treatment system,
11 generally they aren't run.

12 BOARDMEMBER BAXTER: Mike mentioned that you
13 actually ran -- actually sampled the groundwater
14 twice in, what, four years there, and that you
15 haven't been doing quarterly monitoring so that your
16 groundwater data is sort of limited.

17 MS. SOPHER: Right. And part of the option
18 of alternatives for this area is to start doing
19 quarterly monitoring.

20 BOARDMEMBER ALEXANDER: Let me clarify one
21 thing. I think that Jan said that this area of
22 bedrock tends not to be water producing, but --

23 BOARDMEMBER BAXTER: Assumed, assumed.

24 BOARDMEMBER ALEXANDER: Assumed that to be.
25 All right. One of the great areas of discussion

1 about the hydrology of the Presidio is that there
2 appears to be a quite large aquifer buried under the
3 Richmond district somewhere, somewhere close to the
4 Presidio.

5 MS. SOPHER: You mean because of the
6 discharge into Lobos Creek?

7 BOARDMEMBER ALEXANDER: Well, discharge into
8 Lobs Creek is one indication of it. The existence of
9 Mountain Lake is another. But it's not something
10 that particularly shows itself. In other words, it
11 doesn't seem to have great outlets. By and large it
12 seems to be capturing underground water. That's
13 quite close to the Presidio.

14 The geology as you go to the Richmond
15 district, as I understand it, doesn't change
16 appreciably from the Presidio's geology. You have
17 this serpentine ridge which runs from Fort Point all
18 the way out to Hunter's Point. It runs diagonally
19 across the city. And then you have a Colma, the
20 Colma kind of sandy stuff on top of the mixed up
21 mushed together but much harder transition --

22 MS. SOPHER: Were they producing water out
23 of the Richmond district?

24 BOARDMEMBER BAXTER: Oh, yeah.

25 BOARDMEMBER ALEXANDER: I'm saying that my

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1 understanding is that there's an aquifer underneath
2 the Richmond district.

3 MS. SOPHER: I think Jan may be able to
4 answer the question better than maybe.

5 BOARDMEMBER ALEXANDER: Maybe somebody else
6 knows more, but it raises a question --

7 MS. SOPHER: About why we didn't investigate
8 the --

9 BOARDMEMBER ALEXANDER: About -- it seems
10 you have a fair amount of hydrology going on here,
11 and I know that at the Technical Review Committee
12 there was concern about movement of pollutants and
13 the fact that the Army hasn't done a lot of sampling
14 to figure out if there is groundwater, you know,
15 movement from one area to another. So, I just
16 wanted --

17 MS. SOPHER: Well, let me just touch on the
18 approach, I guess, that we use when we sample for
19 groundwater at a site like this. I mean, the
20 guidance that EPA puts together is that you look for
21 your source and then you work outward from your
22 source based on what we call a conceptual model, and
23 t's in the -- you can see that in the RI when you
24 through it.

25 It says, okay, if I had a release from this

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1 landfill, first I would look in the soils just
2 beneath the landfill for a contaminant, then I would
3 work down to the next level, which is either deeper
4 soils or the groundwater. If I have a lot of
5 contamination in the groundwater, first I would look
6 downgradient in that water-bearing unit and try to
7 find out how big the area of contamination is.

8 And then based on the type of contaminant --
9 if you're in an area where you have a lot of solvents
10 and you have encountered fractured bedrock, for
11 example, or broken up bedrock, you might, in the
12 areas where you possibly have pools of product or
13 something, do a deeper investigation.

14 But as Jan noted, I mean, a lot of the
15 bedrock in this area is hard rock surpentionite,
16 Franciscan Formation, which is a unit of surpen --
17 no, the surpentionite is a unit that's included in
18 this assemblage called the Franciscan Formation.
19 However, as I said mentioned, most places that we
20 drill into the bedrock unit here we have encountered
21 either surpentionite or sandstone up in that Battery
22 Dynamite area. And I think the Corps has found that
23 same material near 1349, which is the same area.

24 BOARDMEMBER HORENSTEIN: EPA requirements,
25 when you say EPA requirements, that's the minimum

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1 requirements, right?

2 MS. SOPHER: It's guidance, and every site

3 will operated differently. A bedrock hydrology

4 investigation in this type of area would be very

5 difficult to do. You would have to either do

6 expensive geophysics or something like that to try to

7 identify fracture zones. You would have to happen to

8 hit a fracture that was large enough to be carrying

9 water. And unless there's good indication that you

10 have enough contamination in your upper groundwater

11 unit, generally -- I mean, you have to make the

12 decision whether you think there's enough indication

13 for potentially a problem.

14 BOARDMEMBER HORENSTEIN: Well, when you look

15 at a site like this you see -- I mean, we call it

16 landfill now, but really it's a dump. And when this

17 was used it was a dump. And that's one of the most

18 highest probability areas for contamination, right?

19 That was back in the days when no one --

20 MS. SOPHER: Well, depending on what they

21 dump.

22 BOARDMEMBER HORENSTEIN: Right, but any dump

23 has a high probability; of course, depending on what

24 they dump.

25 MS. SOPHER: Because you never know what

1 they dump.

2 BOARDMEMBER HORENSTEIN: And it was used

3 back before groundwater contamination was even

4 thought about.

5 MS. SOPHER: Uh-huh.

6 BOARDMEMBER HORENSTEIN: So you see a dump

7 and you go, "Wow, this is a high probability area of

8 contamination." So, I don't know. I'm just looking

9 on the decision points and thinking, you know, three

10 borings at the same depth in a landfill that was

11 maybe used over a long period of time kind of

12 decision and then three monitoring wells, again, it

13 seems minimum; we follow the minimum guidance or

14 requirements.

15 MS. SOPHER: Well, I mean, we feel that

16 putting those wells where we did would be the most

17 likely place to find contamination. I mean, you have

18 to make a decision about if you're going to rid off

19 the whole area. I mean, you have to use your

20 judgment as far as what you find in the landfill,

21 what material is there and look at your data.

22 I have a slide with the groundwater data and

23 I can show you the type of detections that we are

24 talking about here. As with most landfills there

25 would be long-term monitoring of this area in those

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1 wells that are in the most likely location for

2 groundwater to travel to, to see whether anything is

3 coming out of the landfill.

4 The problem with borings, as John mentioned

5 before, is that in a landfill you never know that you

6 have identified everything that could possibly be in

7 there. Because like you said, they dumped one truck

8 here and it had concrete in it and another truck had

9 glass. I mean, you don't know, and that's why the

10 guidance for landfills is to do long-term groundwater

11 monitoring in the first water-bearing unit below the

12 landfill. We just don't feel technically that

13 there's a reason to put a lot more wells within the

14 fill material.

15 BOARDMEMBER FUENTES: Also in addition to

16 the three wells you sampled the spring zone.

17 MS. SOPHER: And Jan pointed out, they may

18 not be directly downgradient. And Mountain Lake has

19 been sampled and Lobos Creek has also been sampled.

20 MS. LEE: I'm Shin-Roei Lee. I'm with the

21 Water Board. I share your concern about the numbers

22 of borings and monitoring wells for this particular

23 landfill. When we reviewed the document we felt the

24 same way, but because Army proposed this randomly to

25 cap the landfill, we felt that it was a reasonable

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1 trade-off because to investigate a landfill, unless

2 you put a grid system with a ten-foot center, it

3 sometimes is a hit-and-miss situation.

4 So, if we put a cap on it and that will

5 greatly reduce infiltration, then it will reduce the

6 lesion tension for the waste for groundwater. So, we

7 felt that was a reasonable trade-off.

8 AUDIENCE MEMBER: Have you evaluated the

9 ecological risk of putting a cap on that?

10 MS. SOPHER: Romy is going to talk you about

11 the California --

12 AUDIENCE MEMBER: I heard about the caps. I

13 was wondering about the risk.

14 BOARDMEMBER BAXTER: Could I just bring back

15 the Franciscan for a minute?

16 MS. SOPHER: Ask the rest of the RAB...

17 BOARDMEMBER BAXTER: Because people need to

18 get a picture in their mind. So, I was going to ask

19 you because the USGS map of the Presidio shows that

20 by far the largest surface exposure of the Franciscan

21 Formation is the sand gray wacky and not

22 surpentionite. So I guess what --

23 MS. SOPHER: That's not what we've been

24 finding, though. I mean, we have the site-specifics

25 -- I mean, we look at the regional geology maps, but

1 they don't have borings in this area. What we do is⁶⁵
 2 we know what the possible units are that we're
 3 looking for at the site before we come out here so
 4 that we're not drilling kind of blindly. And then in
 5 areas where we drilled, which covers a lot of
 6 different spots on the Presidio --

7 BOARDMEMBER BAXTER: But you didn't hit
 8 bedrock --

9 MS. SOPHER: Yeah, we did.

10 BOARDMEMBER BAXTER: All I really want to
 11 know is if you're planning on taking your data and
 12 showing where the USGS map is incorrect so that we
 13 can get a better, complete, more up-to-date type of
 14 map of the geology of the Presidio.

15 BOARDMEMBER REINHARD: I'd like to respond a
 16 little bit to what Jan is saying, just because it's a
 17 little bit of the lateness of the hour and just to
 18 make a comment on workshops. You know, I thought
 19 that one of the purposes of this evening was to be
 20 focused primarily on educational issues. And on
 21 Monday when we have a RAB meeting, which is where
 22 we're all supposed to give comments and advice -- I'm
 23 not singling out Jan in particular, but I think
 24 there's a distinction between listening to
 25 Elizabeth's explanation and clarifying that we say,

1 you know, like, "Did you do this or did you do that,"⁶⁶
 2 from saying, "Gee, you should put another well in or
 3 you should take another sample" -- I mean, this
 4 evening I think we have a lot of information to cover
 5 for people who haven't been here like a lot of others
 6 of us have for a whole year.

7 And we do have a lot more to cover. So, my
 8 suggestion -- and if I'm wrong in my suggestion I'll
 9 shut up, but my suggestion is that we try to keep the
 10 educational purpose flowing of this workshop, because
 11 on Monday we have the opportunity to say, "Gee, this
 12 is what we think about what we learned," and in fact
 13 the public comment period is designed for that. I'm
 14 just worried that --

15 MS. SOPHER: We'll be here for a while. I
 16 can confirm that.

17 BOARDMEMBER REINHARD: If I'm reading the
 18 room wrong, please say so.

19 MS. SOPHER: We do have a lot of
 20 information, and Jan and I could and have talked
 21 about many of these things for a long time.

22 BOARDMEMBER BAXTER: It's just to give
 23 people a visual picture of where stuff was.

24 MS. SOPHER: It's hard to visualize geology
 25 unless you've actually worked with it. So, I

1 understand the points of clarification.⁶⁷
 2 BOARDMEMBER REINHARD: It's hard sometimes
 3 to distinguish between clarifying and criticizing it,
 4 but I'm just saying let's keep moving.

5 BOARDMEMBER BLANK: Elizabeth, can I just
 6 raise a point that came up in my mind?

7 MS. SOPHER: Sure.

8 BOARDMEMBER BLANK: In the context of the
 9 discussion about additional investigation, and
 10 Shin-Roei mentioning that if you put a cap on the
 11 site you don't need to do additional investigation
 12 for the landfill, the Park Service has the concern of
 13 groundwater and protection of human health and the
 14 environment, and also it's got its reuse issues to
 15 think about in terms of remedies. For this site we
 16 have been looking at this cap issue and thinking
 17 about the fact that as part of the reuse of this area
 18 we were planning to extensively increase the habitat
 19 for endangered species and wetlands and some other
 20 native plants that are in this area. And this is a
 21 very rare and special area in the Presidio.

22 So, we've started thinking about could our
 23 ns for revegetating this area accommodate a cap,
 24 basically we've come to the conclusion that that
 25 doesn't look like it's possible. So, I wanted to

1 bring that up in the context of the discussion of⁶⁸
 2 additional monitoring versus capping, because there's
 3 another thought to have as you're thinking about the
 4 site and what's the appropriate thing to do here.
 5 So, we've started to talk to the Army, the
 6 regulators, about is it possible to do something else
 7 out there besides cap it.

8 MR. HADLEY: I'll add to that too. My name
 9 is Richard Hadley. I'm with the Park Service as
 10 well. A cap is not compatible with the General
 11 Management Plan Amendment which has been released in
 12 draft form. In the next week or so, or the next
 13 several weeks, we should see the final release, and
 14 that draft plan has been made available, of course,
 15 to this. So, to presuppose that we are going to go
 16 to a cap, I think we need to step back and take a
 17 look at what that plan says for this area and the
 18 Park Service's concerns about that.

19 MS. BARNETT: That's what I had -- I'm Roxie
 20 Barnett from the Environmental Protection Agency.
 21 That presupposition of the cap was -- you know, sort
 22 of jumping into it I had some concern about it.
 23 That's why I expressed my concern. Instead of saying
 24 this is where we're going, what studies lend to that
 25 and what are the other alternatives we can use?

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1 MS. SOPHER: Well, I mean, as I told you,
2 there is a list in the back of your package of the
3 criteria that we go through in developing the
4 alternatives for these sites. At the time we did the
5 Feasibility Study here, obviously the Park Service --
6 well, it was several years before the Park Service
7 General Management Plan was issued. And the criteria
8 that we looked at in developing the Feasibility Study
9 includes protection of human health and the
10 environment, effectiveness of the cap, reduction in
11 toxicity in volume of a contaminant, those type of
12 criteria, community acceptance, state acceptance.
13 Cost is on the list, but low down. There's nine
14 criteria.

15 So, there may be sort of a conflict between
16 where under the CERCLA process you start, which is
17 looking for a contaminant and then evaluating the
18 alternative that would eliminate threats to human
19 health and the environment and the Park Service
20 General Management Plan, which actually may be coming
21 from a different angle. I mean, there just is some
22 conflict inherently, I think, in that process.

23 MS. BARNETT: But the fact is have the
24 threats to the environment been evaluated strictly
25 from an ecological standpoint on the site?

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1 next Monday evening when you've got the full Board
2 here, when you've got a fully noticed public meeting.
3 This is why we are here.

4 And I thank you for your perceptive
5 questions, but --

6 MS. BURNETT: You're totally right. I guess
7 the thing that triggered my concern was the
8 presupposition of the cap, but your point is very
9 well taken.

10 BOARDMEMBER ALEXANDER: You waved a flag
11 about the presupposition. It's been noted. You're
12 standing high on a hill and we see the flag. The
13 opportunity, I think, is for Monday.

14 BOARDMEMBER HORENSTEIN: Well, one, perhaps
15 final comment on this, just to observe I think
16 something very important, and that's just the
17 inexactness of the science and the judgment calls
18 that are made continually in this process based on
19 professional judgment, weighing, costs and other
20 things. I would like, as you're discussing and we
21 hear from other experts on other subjects, for those
22 type of professional judgment calls to be
23 highlighted. I just find it a little uncomfortable.
24 And I appreciate that you shared with us that
25 trade-off and that decision-making process that

1 MS. SOPHER: There was an ecological risk
2 assessment run with the data that we have. It was
3 songbirds, and mammals were --

4 MS. BURNETT: On this particular landfill?

5 MS. SOPHER: Yeah, for Landfill 8, and there
6 was also comparisons for the Lobos Creek and then
7 Mountain Lake data to the chronic ambient --

8 MS. BURNETT: What type of risks were
9 identified as to Landfill 8 and the ecological
10 receptors ala the songbird and the mammals?

11 MS. SOPHER: The heist Hazard Quotient,
12 which is the technique they used for the ecological
13 risk assessment of the site, one which we used for
14 whether or not for --

15 MS. BURNETT: What contaminants were
16 identified?

17 MS. SOPHER: It was zinc.

18 MS. BURNETT: Located at which area, at what
19 concentration?

20 MS. SOPHER: I actually -- I'm not sure.

21 BOARDMEMBER ALEXANDER: Can I make a point
22 here? I think we are getting -- this is a very
23 important discussion. I think this is too important
24 a discussion to be having here. I think this is
25 exactly the discussion that should be taking place

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1 occurs continuously.

2 MS. SOPHER: I think the regulators have a
3 lot to add in that point.

4 BOARDMEMBER HORENSTEIN: Certainly. And I
5 think that's very important for us to know where and
6 how these decisions are made. It helps us understand
7 the process.

8 MS. SOPHER: And the reality is you can't
9 sample every place. You have to come to a decision.
10 Rob?

11 BOARDMEMBER REINHARD: Are we going to talk
12 about the human health risk assessment?

13 MS. SOPHER: Yeah, I was going to get to
14 that. I just wanted to put up here, we collected
15 data at the site in the surface soils and at the zone
16 right beneath the fill material which started at four
17 or five feet in some areas and seven or eight feet in
18 other areas, and took two samples out of each of the
19 soil borings to look at soil immediately at the
20 interface between the fill material and the native
21 material under it, and then also in a zone five or
22 ten feet below that to see if there was any other
23 contamination at that site.

24 Metals were detected in those soil samples,
25 some pesticides were detected in those soil samples,

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1 and several PAHs, which is another acronym for a type
2 of hydrocarbon that's found in rubber and asphalt and
3 waste soils and those type of heavier, goeeyier
4 stuff. Then those data were run through an
5 evaluation comparing metals to background -- Jan?
6 BOARDMEMBER BAXTER: I didn't say -- listen,
7 every time you say "background" you look at me and I
8 haven't said a word. I was actually trying to put my
9 earring back on.

10 MS. SOPHER: Okay. In the comparison, the
11 background regulatory standard and the risk
12 assessment, the pesticides were identified as
13 chemicals of concern following the screening in the
14 risk assessment. So, we plotted this data just so
15 you could see the distribution of the --

16 BOARDMEMBER MEYERS: Are these parts per
17 million or parts per billion?

18 MS. SOPHER: Those are parts per million.
19 The soil samples, the units are not on there and I
20 apologize for that. The units on the tables that are
21 in the back is micrograms per gram, again, and that's
22 parts per million in the soil. We also compared
23 these numbers to samples for pesticides we took in
24 other park areas at the site. Some of these are in
25 that range. Some of them are higher, but all the

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1 throughout the landfill area. And as I said, some of
2 these are low enough that they're in the range of
3 what we did find in our samples around the site in
4 non-fill areas. Some of them were higher.

5 The only compounds following the health
6 evaluation in the risk assessment were dieldrin and
7 aldrin, and those were run through the entire risk
8 assessment process. But all the detections go into
9 the risk assessment and then they do a series of
10 screening to decide what keeps getting carried
11 through further and further into the risk assessment.

12 BOARDMEMBER BAXTER: I guess the only sample
13 you took in paved area --

14 MS. SOPHER: Was the borings, over here.
15 There's a table in the back. Most of the borings,
16 the deepest sample was about 18 to 19 feet, and I'm
17 just not sure if that's the depth on the deepest
18 sample there.

19 BOARDMEMBER HORENSTEIN: So you did sample
20 borings.

21 MS. SOPHER: Yeah.

22 BOARDMEMBER HORENSTEIN: Oh, okay, I thought
23 was just surface.

24 MS. SOPHER: No, no. We sampled surface
25 samples and then we went to the area beneath the fill

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1 compounds were run through the risk assessment and
2 the screening processes that are associated with
3 that. And I have some more information on how the
4 risk assessment works right after I show you this
5 data.

6 You'll notice that there's some composite
7 data over here. The first step at this site was to
8 take a composite sample for metals and pesticides --
9 I'm sorry, for metals, pesticides, volatile organics,
10 semi-volatile organics. So, a full scan was run.
11 But the volatiles were run on a separate sample which
12 is SS02 because you can not composite a sample if
13 you're going to run volatile because they'll
14 evaporate in the process of mixing the soil.

15 So, the first step, we took four samples
16 around the corners of the land -- or in these four
17 areas --

18 BOARDMEMBER HORENSTEIN: Are these surface
19 samples?

20 MS. SOPHER: Yes, surface samples. And this
21 is the result from that surface sample, aldrin,
22 dieldrin, DDT, and then gamma, that's an abbreviation
23 for gamabenzinehexachloride. We abbreviate it g-BHC.
24 So, we went back then and took some more surface
25 samples to see if those pesticides were distributed

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1 material and took our first sample at the inner -- so
2 if you have a fill basin, we take our first sample
3 right in the native soil below the fill material,
4 which would be the first place we would be looking
5 for leachae or anything migrating out of the
6 landfill, and then we took another one five feet
7 below that or ten feet, to see whether there is any
8 other compounds down there.

9 BOARDMEMBER BAXTER: Could you describe the
10 differences between fill materials and native
11 material? I think they might be interested in that.

12 MS. SOPHER: Generally the way we tell
13 whether you're in fill material or native material is
14 that the fill material you can tell -- generally it
15 contains pieces of things that you know don't belong
16 there, like bricks. That's the easy way. You can
17 also see whether it looks like there's bedding. You
18 see horizontal lines sometimes that show how the sand
19 was deposited at the site, and that indicates to us
20 that that material has not been disturbed. You can
21 tell -- when you pull up a core barrel full of soil
22 sample you obviously can see a distinct break in
23 either the color or the grain size or the form of the
24 sample in there.

25 BOARDMEMBER BAXTER: When you have a case of

1 sand on sand like this, do you rely just on your "not
2 stuff" in it?

3 MS. SOPHER: Either "not stuff" in it or the
4 compaction of the material. There's a lot of
5 indicators that help you identify fill from native
6 material. But, yeah, if you have sand just on top of
7 very similar sand, you may be off by some but you can
8 tell because you stop getting stuff in your sample.

9 MR. HENDERSON: You also found roots, old
10 roots at the interface as well.

11 MS. SOPHER: Right. Thank you.

12 BOARDMEMBER HORENSTEIN: So you had
13 confirmed pesticide readings on the surface, and this
14 was a dump right next to a pesticide storage
15 facility, but we didn't analyze the fill material for
16 any pesticides.

17 MS. SOPHER: Again, because of the fact that
18 you never know -- even if you analyze the fill
19 material, you don't know if there's a higher
20 concentration here and I put my boring here -- we try
21 to rely on the area where the stuff would move to,
22 which would be the leachae zone under the landfill.

23 BOARDMEMBER HORENSTEIN: So the supposition
24 is that the contamination on the surface maybe didn't
25 come from the dump itself, but maybe from spraying at

1 the site.

2 MS. SOPHER: Pesticide application at the
3 site, yeah.

4 BOARDMEMBER HORENSTEIN: That's a
5 professional judgment.

6 MS. SOPHER: Uh-huh. Also there were not --
7 we ran, again, volatiles and semi-volatiles and metal
8 and pesticides and PCBs and all the samples in the
9 soil samples there. So we didn't run a large suite
10 of analytes. We were just looking for pesticides
11 there.

12 BOARDMEMBER ALEXANDER: I thought this site
13 looked familiar. And I hadn't spotted it in the
14 photograph on the screen, because the contrast wasn't
15 so great, but when I looked at my hard copy I
16 realized we are sitting right on top of the cemetery.

17 MS. SOPHER: I failed to mention that,
18 didn't I? I'm sorry. I forgot.

19 BOARDMEMBER ALEXANDER: Do I recall that you
20 were boring through bodies?

21 MS. SOPHER: We did encounter a couple
22 bones. And actually Roger can tell you and Hugh can
23 tell you that they just, unfortunately, encountered
24 the same thing. There is a merchant marine cemetery
25 that the Public Health Service ran at this site.

1 There are unmarked graves.

2 BOARDMEMBER ALEXANDER: But basically the
3 ones that didn't make it they threw out the back.

4 MS. SOPHER: Apparently. Public Health
5 Service, I don't know. What I can tell you?

6 BOARDMEMBER BLANK: But more or less there's
7 an actual surface of the cemetery.

8 AUDIENCE MEMBER: Actually, our most recent
9 we have done some trenching down there to help find
10 the limit of the landfill and we've been finding
11 bones now at five feet.

12 MR. WONG: There is one single bone that we
13 encountered, and it's a depth of five feet.

14 MS. SOPHER: Well, the fill is very thin in
15 some areas also, I mean, on the edges. So, that may
16 be native material there.

17 MR. WONG: And the locations of that bone we
18 found as more towards the northeastern corner of the
19 landfill boundary as marked on the figure.

20 AUDIENCE MEMBER: And that's outside the
21 footprint of the cemetery; isn't that correct?

22 MS. SOPHER: Yeah, that previous photo has
23 the cemetery outline on it; this one does not. If
24 you look on your xerox you'll see the cemetery
25 outline, sort of rectangular feature.

1 BOARDMEMBER BAXTER: You haven't had anybody
2 ask you to exhume the bones and re-bury? I remember
3 a lot of the regular cemeteries, things like that --

4 MS. SOPHER: We have to report to the
5 coroner when we find bones and they deal with
6 re-interring them. I know there's a lot of
7 requirements for normal cemeteries. I don't think
8 these graves are marked, right? I mean, they weren't
9 -- I don't know.

10 MR. WONG: I think there's a difference
11 whether you find a whole complete body versus just a
12 piece of bone. If you find a whole body you
13 essentially have to stop and a geologist has to come
14 out and check the origin of the body and find out the
15 ways it belongs to. If it's belonging to a certain
16 tribe, then the decedents of that particular tribe
17 may need to be notified.

18 BOARDMEMBER BUCK: Actually, we had an
19 archaeologist here and specifically had a back hoe to
20 look for the individuals because we were first told
21 they might have been mis-interred. So when we first
22 went out there it wasn't sure whether they were still
23 there.

24 MS. SOPHER: Again, this is Public Health
25 Service and there's not a good record exactly of how

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1 they operated this area.

2 AUDIENCE MEMBER: I think there's a couple
3 points to bring up here too. That cemetery does have
4 historic significance, and I think your own report on
5 cemetery bears that out. And in that report it
6 indicated that you believe that the cemetery was
7 intact and that the bodies were not disturbed at that
8 time.

9 Now, we recently found -- the first bones
10 that you found were within the footprint of that
11 cemetery.

12 MS. SOPHER: Yeah, they were.

13 AUDIENCE MEMBER: That was expected This
14 latter one is outside of that footprint which may or
15 may not suggest that the cemetery has been disturbed
16 in places. That bone may not be related to the
17 cemetery. I'm interested to find out if there's any
18 research going on right now with that particular bone
19 to determine --

20 MS. SOPHER: Did Vance decide it was human?

21 AUDIENCE MEMBER: -- if it's related to the
22 cemetery or not.

23 MR. WONG: It was decided to be human, and
24 the last thing I heard was it was believed to be in
25 the '20s that the person deceased.

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1 other side of the road.

2 MS. SOPHER: Baker Beach side, which is out
3 here.

4 AUDIENCE MEMBER: So you can see the area
5 has a lot of significance, both in the standpoint of
6 native plant communities and from the standpoint of
7 historical resource.

8 BOARDMEMBER BAXTER: So the Park Service has
9 planned to tear the pavement up?

10 AUDIENCE MEMBER: That's correct. That
11 parking lot would be removed. The tennis court would
12 stay over there on the side, but the rest of the site
13 would be primarily native plant community.

14 BOARDMEMBER BAXTER: And your cap, if your
15 cap went through -- I'm not going to get into that
16 issue right now, but if the cap went through, would
17 extend over the part of Landfill 8 that's underneath
18 the pavement right now but won't be underneath the
19 pavement when the Park Service tears it up?

20 MS. SOPHER: Well, I think the initial
21 estimates were that the pavement was staying, right?

22 MR. WONG: Initially the capping design was
23 to pick up loose part of the asphalt to exclude
24 complications. But we understand from the Park
25 Service that they are going to remove the asphalt.

1 AUDIENCE MEMBER: So it may be deceased

2 through the same period of significance to when the
3 cemetery was in there.

4 BOARDMEMBER BUCK: You know, the projection
5 of this may not exactly be perfect.

6 AUDIENCE MEMBER: Just so that people know,
7 that cemetery does have historic significance. Some
8 of the sailors that are believed to have been buried
9 there sailed on some ships that are down here in the
10 harbor as national historic features. So, the Park
11 Service is very concerned about how that cemetery is
12 treated.

13 BOARDMEMBER BAXTER: Does that mean you want
14 to, like, restore the cemetery?

15 AUDIENCE MEMBER: No. The Army's proposal
16 is based on -- the report on the cemetery was to
17 commemorate it, and our plan, the General Management
18 Plan, we're asking for the same thing. So, on this
19 map, what we're proposing is towards the lower end of
20 the site there would be some kind of commemorative
21 location for the individuals buried there.

22 The remainder of the site north of there
23 would be restored to the sensitive native plant
24 habitat that we're working towards. As you know,
25 we've got lysisia on that side, and also on the

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1 So, if the cap goes through the cap design will
2 incorporate that area into the cap design work.

3 MS. SOPHER: Have you guys met Hugh Wong
4 from Montgomery Watson? He's the Corps of Engineers'
5 contractor involved with the capping issue.

6 BOARDMEMBER WORK: Could I ask you a
7 question about the outline of Landfill 8? I notice
8 that the configuration is slightly different in the
9 RI. I was wondering what's happened between the RI
10 and now that made you change the shape.

11 MS. SOPHER: There was some revisions to the
12 RI. They have an addendum data that's attached on
13 the back. And at that time we also did a much more
14 thorough evaluation using historical maps, old topo
15 maps of the site to try to pin down, to add to our
16 geophysics and boring data that we had at the site,
17 and also more aerial photo interpretation was done.

18 BOARDMEMBER WORK: Was it the one you
19 provided?

20 MS. SOPHER: That's one that actually is the
21 best. We used a whole series of aerial photos from
22 -- starting -- our earlier ones are around 1940, and
23 go through the site. But there's topo maps from this
24 site going all the way back to like 17, and we have
25 one from maybe 1840 or something we have a topo map.

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1 So we used that in combination with actual
2 observations at the site to try to pin that down.
3 BOARDMEMBER FUENTES: There are two phases
4 of investigation for this particular area.
5 MS. SOPHER: Yeah, we went back to 1992.
6 You have the data; it's in the RI and it's summarized
7 in the RAP also.
8 (Recess)
9 BOARDMEMBER BUCK: We're going to get
10 started again and we are going to try to be real
11 focused this second session, really try to convey to
12 you the information, some thoughts behind our
13 decision-making process and stuff like that. And
14 hopefully we'll be able to cover a lot of ground now.
15 MS. SOPHER: I've been given authority by
16 the co-chair that if I feel that we're chatting too
17 much on any one topic that we should offer to defer
18 that subject to later discussion.
19 Okay. Many people have left, but we're
20 going to move on ahead. The groundwater data
21 collected at the site is -- the pesticides that were
22 detected in the groundwater are shown on here not
23 because -- there were also metals detected in the
24 water samples but there were not other organic
25 compounds detected.

1 We have shown the pesticides here, just
2 because they're what we were concerned with in the
3 soils and, as we mentioned, what we've tried to do in
4 this is look at what's in the soil. Then in the
5 first area where it would go is it went somewhere
6 from there, which would be the groundwater.
7 And these are all the pesticide detections
8 at the site. All those letters indicate that the
9 compound that was detected -- the only pesticide that
10 was detected in the compound are different forms of a
11 compound called benzinehectochloride. Those are
12 parts of what makes up the pesticide lindane.
13 Actually, gamma BHC, which you do not see on any of
14 these, is the active ingredient in lindane, but in
15 chemical formulations often times you get mixtures of
16 products, and these all have the same atoms in them
17 but they're arranged in different ways.
18 BOARDMEMBER HORENSTEIN: So what we said
19 before is we had a supposition that the contamination
20 on the surface wasn't really from the fill material,
21 perhaps, but was from general spraying of pesticides.
22 MS. SOPHER: Because we didn't see it in
23 depth.
24 BOARDMEMBER HORENSTEIN: But we didn't look
25 for it in depth.

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1 MS. SOPHER: Yeah, we --
2 BOARDMEMBER HORENSTEIN: We didn't look for
3 it in the fill material, but now we're using the
4 surface sampling for what we're looking for in the
5 groundwater.
6 MS. SOPHER: But we did not detect any --
7 BOARDMEMBER BUCK: But we looked for the
8 full range.
9 BOARDMEMBER HORENSTEIN: On the surface.
10 BOARDMEMBER BUCK: In the groundwater. We
11 didn't just look for pesticides. We looked for the
12 full --
13 MS. SOPHER: I only presented the pesticide
14 data because that's what was chemicals of concern.
15 Excuse me if I misled you. We ran the fuel sweep of
16 analytes in the soils on the surface of the landfill
17 and also in the soil samples beneath the landfill in
18 that zone where if we had anything moving out of the
19 landfill where it would go.
20 As we mentioned before, we did have a
21 detection of delta BHC in the well. That's
22 upgradient of the landfill. We detected that
23 compound in all of the groundwater samples at least
24 one time. Alpha and beta we detected -- in the
25 duplicate sample, actually. This shows two different

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1 samples from February of '91. That's because as part
2 of the quality control we did a duplicate at that
3 site. And as you can see, the data wasn't very
4 comparable between the two, the duplicate and the
5 investigative sample at that site. But we did detect
6 those three pesticides in Well 02.
7 However, as I mentioned before, all these
8 compounds are related to the pesticide lindane.
9 However, none of the compounds that we detected here
10 exceed any health-based standards. I think the MCL
11 for lindane is .2, and actually the lindane was not
12 detected here. And there are no health standards for
13 alpha and beta.
14 BOARDMEMBER HORENSTEIN: But as an indicator
15 it does indicate something.
16 MS. SOPHER: It indicates that there were
17 pesticides detected here, possibly because of the
18 detection in the upgradient well. There's been
19 spraying of lindane at the site. It is detected in
20 the groundwater, but as I mentioned, we have to look
21 at a wide range of comparisons and we look at the
22 drinking water standards and --
23 BOARDMEMBER HORENSTEIN: So the conclusion
24 was that the pesticides in the groundwater wasn't
25 from the fill material leaching down?

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1 BOARDMEMBER BAXTER: I think maybe you
2 should tell people how deep the water samples came
3 from.

4 MS. SOPHER: Yeah, the groundwater in this
5 is about 30-some feet below the surface. We
6 have not seen an indication here that there is
7 leachae coming out of this landfill carrying
8 pesticides because of the fact that we haven't
9 detected these pesticides in any soil samples beneath
10 the landfill.

11 If you had pesticides moving from the fill
12 material through sand units and down to where the
13 groundwater is, you would need -- it has to pass
14 through those sand units and you would, in most
15 cases, detect the pesticides in that area.

16 BOARDMEMBER HORENSTEIN: If you sample in
17 the location that the specific was vertically moving.

18 MS. SOPHER: Right.

19 BOARDMEMBER BAXTER: That's assuming that
20 the amount of pesticides that was moving through the
21 sand between where it started and the groundwater is
22 going to be, at that particular point in sample,
23 above the detection.

24 MS. SOPHER: Right, but if it's not above
25 the detection limit we can't do anything about it. I

1 mean, the detection limit for these pesticides are
2 quite low, and --

3 BOARDMEMBER BAXTER: Well, again, this is
4 just one of your assumptions.

5 MS. SOPHER: Yeah. But, again, none of the
6 pesticides detected in the groundwater exceeded any
7 standards, nor did they trigger -- in the human
8 health risk assessment where you evaluate ingestion
9 of that water, they did not trigger any requirements
10 based on that.

11 BOARDMEMBER HORENSTEIN: So we were looking
12 more for whether it's past a limit versus are there
13 indicators that were migrating from the dump into the
14 groundwater.

15 MS. SOPHER: Again, though, we sampled for
16 the full suite of analytes in those soils. So there
17 apparently is not material moving from the landfill
18 into those soils that we can detect.

19 BOARDMEMBER HORENSTEIN: Were those, like,
20 three boring sites?

21 MS. SOPHER: Yeah, those three boring with
22 six samples. But again, the groundwater is a more
23 general indication than the soil borings. Soil
24 borings are site-specific information. The
25 groundwater can give you indication from a larger

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1 area because water moves more, soil doesn't.

2 BOARDMEMBER HORENSTEIN: In kind of a sheet
3 flow. So another conclusion would be that you
4 didn't, in one of the three specific sites, hit
5 pesticide contamination and it's coming from
6 somewhere else on that anchor.

7 MS. SOPHER: Yeah. I mean, I suppose
8 there's always the chance we missed -- that we have
9 two samples here and that the problem is here. But
10 the fact is the levels of the pesticide here do not
11 indicate that there is a large problem. They don't
12 exceed any standards -- I guess I don't understand
13 what you're --

14 BOARDMEMBER HORENSTEIN: Well, I guess you
15 keep saying "standards" instead of looking at it as
16 indicators. To me another way of looking at it would
17 be indicators of transfer of the pollutants from
18 somewhere. If you find it, it means they're coming
19 from somewhere.

20 I think there's a huge probability if you
21 just take three samples on an acre site, especially
22 soil samples, you aren't going to hit a pocket of
23 tamination. So that contamination in the
24 groundwater -- forget levels -- is an indicator that
25 it's coming from somewhere, probably above, you know,

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1 probably from somewhere, either upstream or
2 vertically above.

3 MS. SOPHER: Right, and because of the
4 detection in the upgradient well there is a good
5 possibility that general application of pesticides at
6 the site has created these pesticides in the
7 groundwater. Because we do compare it to drinking
8 water standards, just to know whether we need to
9 worry about these concentrations. If they haven't
10 triggered anything in our analysis or the health
11 analysis, then, you know...

12 BOARDMEMBER FUENTES: You also look at the
13 bigger picture where you look at the pesticide on
14 this site. That site is really way below concerns,
15 you know, risk compared to, like, a CERCLA site where
16 you have pesticide releases.

17 MS. SOPHER: Or manufacturing.

18 BOARDMEMBER FUENTES: Or manufacturing. So
19 you kind of identify the historical land use.

20 BOARDMEMBER HORENSTEIN: So upstream of this
21 has higher concentrations than --

22 MS. SOPHER: No. You see the concentration
23 right here. It's about the same level and, again,
24 was detected in one of the samples at .005 parts per
25 billion, and the MCL was .2 or 4 in another standard

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1 that you look at in comparison. And, again, these
2 were also run through the site-specific risk
3 assessment. You can't just look at the numbers
4 without any framework for comparison. That's why I
5 ran through a few of those issues about what types of
6 numbers we compare our data to. You have to have a
7 framework for identifying whether, first of all, you
8 need to worry about a detection at a site, whether
9 you need to clean it up, and how you evaluate whether
10 man's activities have caused that, or the Army's
11 activities in this case, or the Public Health Service
12 have caused the detections.

13 And, again, as we mentioned, there would be
14 more groundwater sampling at this site for longer
15 term. But based on these data, we don't see an
16 indication that there is material moving out of the
17 landfill. And the data -- the tables with all the
18 data, or summary tables, actually, with the
19 detections in those samples in the groundwater are
20 attached in your package. All the data is included
21 in the RI report and electronic database.

22 Any other comments? Questions? I was going
23 to skip over a couple risk assessment issues, but it
24 sounded like, Rob, you think we should do a few risk
25 assessment summaries to give an indication of how we

1 do a risk assessment?

2 BOARDMEMBER REINHARD: I think it's
3 important to say that Elizabeth has been saying all
4 night that she compares the values that she finds in
5 the soil and groundwater to published standards. In
6 groundwater there may be standards for pesticides.
7 For a lot of these chemicals, as she also said, there
8 are no standards. That doesn't mean we shouldn't
9 think about whether the chemical is bad or not. It's
10 just that nobody has set a standard.

11 MS. SOPHER: And that's why we do the risk
12 assessment.

13 BOARDMEMBER REINHARD: So what do you do?
14 You do a risk assessment. In other words, a risk
15 assessment and comparison with the standards go into
16 the decision of what should we do about the sites,
17 and a risk assessment was done at that site. I
18 notice in your packet that you have put in a
19 supplement to the risk assessment, this letter, which
20 I think is significant.

21 MS. SOPHER: Yeah, I'd like to point out --

22 BOARDMEMBER REINHARD: So that's what I
23 wanted you to point out, that there was a risk
24 assessment done, what did it conclude, what does it
25 say.

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1 MS. SOPHER: Okay. You have the slides, and
2 based on interest, let me just go through -- a
3 toxicologist would probably be very upset at my
4 five-minute description of risk assessment, but
5 hopefully it will give you some background on the
6 site. As you may or may not know, generally Ph.D
7 toxicologists conduct these risk assessments and they
8 have a huge amount of knowledge about toxicity issues
9 and/or ecological receptors, and they have a lot of
10 background on human health and that kind of stuff.

11 I'm not a risk assessor; I'm a geologist.
12 But I know how we use risk assessments and I think
13 I'll just summarize that for you, and any real
14 specific toxicology information we'll probably need
15 to defer to a toxicologist.

16 Basically after we collected data in the RI
17 reports there's four steps that make up the risk
18 assessment. And this is the human health portions.
19 Initially we identify chemicals of potential
20 concerns, and there's a variety of screening
21 techniques that are used that the EPA recommends at a
22 site. There is some standard practices that a lot of
23 toxicologists use that may not be what's recommended
24 in the risk assessment guidance document. They
25 generally try to select a very conservative approach

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1 in the initial screening for the identification of
2 chemicals of concern. So, they do a screening and
3 they identify, based on their knowledge of how
4 chemicals impact humans, what chemicals they want to
5 run through the more specific assessment sites.

6 Then the next two steps are done sort of
7 concurrently. This one, the toxicity assessment, is
8 a review of all sorts of scientific literature on the
9 toxicity of all of the compounds that were identified
10 as chemicals of concern at the site. It looks at
11 whether it affects your liver or your lungs; it looks
12 at whether you need to absorb the chemical through
13 your skin or whether it only impacts you if you eat
14 it, or whether when you inhale it it's a problem.
15 So, all those types of information are combined in
16 that toxicity assessment.

17 And in the toxicity assessment there's also
18 factors that have been proven by doing scientific
19 studies where they look at how much of a compound
20 causes an effect in a mouse. Those type of studies
21 come up with numbers that help them quantify what the
22 impacts of these chemicals are.

23 BOARDMEMBER HORENSTEIN: Do they look at
24 synergistic types of effects?

25 MS. SOPHER: Yeah, they do. They look at

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1 whether two compounds affecting the same organ can
2 additively do more damage than just the single
3 compound.

4 At the same time you're also looking at your
5 and saying, "Well, what are the possible
6 exposure pathways at this site?" If I'm going to
7 leave this area and there's going to be just visitors
8 to this site, they're only going to be able to
9 contact the surface soils. And then you look at in
10 the long-term could they possibly dig up that site,
11 and you think about how deep they could possibly dig
12 at the site and how deep the soil is that you need to
13 evaluate. You also look at whether or not
14 groundwater is used at the site for drinking and
15 bathing.

16 And the exposure assessment will come out
17 with generally the pathways that you need to be
18 concerned about in the risk assessment. We look at
19 generally a recreational exposure scenario or a
20 residential exposure scenario or an industrial
21 scenario. In this risk assessment for Landfill 8,
22 the current -- we look at what the current condition
23 of the site is, and that is what we identify as
24 "current recreational," is what we call it. We say
25 that a person may visit the site several times a

1 week, walking their dog, for example.

2 However, in the future, if they put a house
3 right next to there, a person may live there for 75
4 years. You look at how long a person could live at a
5 site. Or if you think it's only going to be used for
6 industrial or is currently only being used as an
7 industrial site, you would have different assumptions
8 that go into the quantification of that risk.

9 Then the toxicity assessment and the exposure
10 assessment are combined into calculations that give
11 you an indication of what additional cancer risks --
12 they call it "additional" because you have a cancer
13 risk just by walking here. You look for how much
14 more your cancer risk would be if you visit Landfill
15 8 three times a week for 30 years.

16 Then they also look at -- there's a section
17 in the back of all the risk assessments that say what
18 the uncertainties involved with the scientific
19 studies are that were done; for example, to identify
20 if a compound is carcinogenic or not carcinogenic and
21 that type of stuff.

22 BOARDMEMBER REINHARD: I just want to add
23 that this process of toxicological evaluation doesn't
24 only look at cancer. If a chemical causes some other
25 disease -- and the other diseases they normally look

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1 at are reproductive effects; that's most common --
2 then they will quantify how many people will suffer
3 from that.

4 MS. SOPHER: And there's a section in the
5 toxicity assessments of each one of those that will
6 say cancer effects and non-cancer effects.

7 BOARDMEMBER HORENSTEIN: And this is
8 probably more of an inexact science, trying to find
9 contamination in a landfill, probably by an order of
10 a magnitude.

11 MS. SOPHER: It's a modeling process, just
12 like any other modeling.

13 BOARDMEMBER HORENSTEIN: It's very
14 difficult, very inexact.

15 MS. SOPHER: But again, with very educated
16 people making professional judgments based on their
17 experience and knowledge.

18 BOARDMEMBER BUCK: Those are where the
19 uncertainties come in.

20 MS. SOPHER: This is up here just to give
21 you a sense of what type of assumptions go in, and
22 this is just some of the assumptions. For a
23 recreational or a residential scenario at a site you
24 evaluate the effects over a 75-year period. These
25 are the amounts of soil that are assumed that an

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1 adult and a child would ingest in a day.

2 You assume that your child ate all the soil
3 that he was eating today from Landfill 8, or that you
4 drank all your water from the tap from your well that
5 you have installed at Landfill 8, that there's a way
6 for visitors or residents to be exposed to those
7 compounds. So, you have to identify how they're
8 actually going to come into contact with the
9 contaminated soils.

10 BOARDMEMBER REINHARD: I'd like to just make
11 a note here. It's not just through ingestion or
12 eating soil that people are concerned about exposure.
13 Exposure basically occurs three ways, if I have my
14 science right: through inhalation -- you breathe it;
15 you walk around; soil, it's dusty, you breathe it up.

16 Another route of exposure is through your
17 skin. You're playing; you're recreated.

18 And the third is ingestion either by eating
19 soil, which children do, or drinking water.

20 There's also another ingestion route through
21 uptake of plants or food that may have grown in the
22 soil, but that's not a concern here.

23 So, I think all that Elizabeth is saying is
24 in the risk assessment done here at the Presidio they
25 didn't just look at people eating soil. It's an

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1 exposure study to determine ways in which people are
2 going to come in contact with these chemicals. And
3 then the question is, is that contact high or low.

4 MS. SOPHER: As far as dermal goes, there's
5 also assumptions on the surface area of the skin that
6 will be in contact. I mean, if you look in the RI --
7 and actually I think they're included in your
8 package, too -- the list of factors that they put
9 into those calculations is large.

10 BOARDMEMBER BAXTER: You might say whether
11 or not you used defaults that are normally in USEPA
12 or CALEPA when you didn't have direct data, if you
13 did that. And if you did, you might explain why.

14 MS. SOPHER: We didn't conduct any toxicity
15 testing -- I mean, we didn't conduct any research
16 studies here.

17 BOARDMEMBER BAXTER: No, no, for the
18 calculations to plug all the things --

19 MS. SOPHER: We basically follow the RAG's
20 guidance, which is the EPA Risk Assessment Guidance
21 document for the site. But again, toxicologists use
22 that general framework and then based on
23 site-specific issues they make judgments about
24 whether or not they need to modify that slightly.

25 BOARDMEMBER BUCK: In certain cases here we

1 had some comments from the DTSC to incorporate some
2 site or more precise information than was available.
3 So we did have these consultations with them.

4 BOARDMEMBER BAXTER: I guess what I was
5 trying to say is there's a lot of information that
6 you don't have and there are standards numbers --

7 MS. SOPHER: Yeah, for example, the
8 ingestion of soil, 100 milligrams for an adult, 200
9 milligrams for a child, surface area of the skin, how
10 many liters of water that a normal person ingests in
11 a day. Yeah, those are all standards.

12 BOARDMEMBER BAXTER: Because you don't know
13 how many liters of water people are ...

14 MS. SOPHER: Right. This is a summary of
15 the pathways that were evaluated under each of the
16 scenarios, and you'll note inhalation is not on this
17 list. Our risk assessor did a study of what she felt
18 was the worst case, which is metals basically that
19 you can inhale in dust. And using Crissy Field data,
20 actually, and chromium in the surface soil, which is
21 a very worst case scenario, the amount of additional
22 risk from that pathway was still orders of magnitude
23 below anything we're getting from dermal absorption
24 or ingestion.

25 So, there is some discussion in the risk

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1 assessment if you'd like to get into the
2 nitty-gritty, and those pathways were looked at, and
3 inhalation of volatiles through if you showered in
4 area where your well was in a contaminated water
5 unit. That pathway was also looked at. However, the
6 risk from those pathways are much lower than what you
7 see from ingestion of soil or contact with soil.

8 You'll notice that in a recreational
9 scenario we don't look at the ingestion of
10 groundwater. At this site that is because the
11 recreation scenario is the current scenario at this
12 site. No one is pumping water out of Landfill 8, so
13 there is no use of the water there, and that's why
14 that's not included. However, for future conditions
15 we have to be conservative and say someone could live
16 right here and put a well very close to the site. So
17 you do look at that as -- we call that a future
18 scenario.

19 And this Hazard Quotient on the right is
20 what Rob was mentioning before. This is the result
21 of the calculation of non-cancer risks. And for
22 cancer risks, the National Contingency Plan sets a
23 range -- and Rob is going to add something at the end
24 of this concerning the point of departure. However,
25 the National Contingency Plan has a range of 10 to

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1 the -6, which is one in a million additional cancer
2 deaths from exposure to this landfill, to 10 to the
3 -4, which is one in 10,000 additional cancer deaths
4 from exposure to this. And they call that the
5 generally acceptable range of risk.

6 Now the state or other, I guess, regulatory
7 agencies have the option to negotiate with a
8 responsible party what level of risk that they choose
9 to accept at this site. But generally these risks do
10 fall within that range. You'll see that the
11 recreational scenario shows two times 10 to the -5
12 and that the residential shows 4 times 10 to the -5.

13 Now, what Rob has been noting is that -- we
14 have included a memo in the back with your
15 supplemental information that details some work that
16 we did on the main installation risk assessment which
17 was done a couple years after this risk assessment
18 actually. In that time period a lot more studies
19 were done with organochlorine pesticides. And the
20 state toxicologists reviewer, who was Fred Marks at
21 that time, asked us to use different absorption
22 factors for those chemicals, for the pesticides.

23 If these risks from the hospital were
24 recalculated using those dermal absorption factors
25 for dieldrin and aldrin, you would get a lower risk.

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1 The new numbers and the details of that are in that
2 memo, but it goes down by about a half, so it's 5
3 times 10 to the -6 would be the recreational scenario
4 and 8 times 10 to the -6. So it goes down a little
5 there.

6 BOARDMEMBER HORENSTEIN: The inexactness,
7 part of it really comes from -- which isn't shown
8 here -- the toxicity, the translation from perhaps
9 shaving a mouse and dipping it this stuff twice a day
10 to dermal contact by humans once a year or twice a
11 week. And there's a lot of softness in that
12 translation.

13 MS. SOPHER: However, to make up for that
14 they make very, very conservative assumptions in this
15 case.

16 BOARDMEMBER REINHARD: I do want to make a
17 comment, but probably not the one Elizabeth expects
18 me to make. I'm true to my word: This is not the
19 place to criticize what you're saying, but to convey
20 the information. I also distributed, besides the
21 packets Elizabeth did, the comments of the Presidio
22 Council on this risk assessment.

23 But I want to point out something for this
24 evening's purpose of education. Monday is the
25 beginning of public comment on what's called the

1 Remedial Action Plan. The document that was
2 distributed by David -- who is not here any more --
3 is that this letter, which also Elizabeth handed out
4 tonight, in other words, is a revision to that
5 Remedial Action Plan. It says that we think that the
6 site is less of a problem than we thought in that
7 document which was distributed.

8 So on Monday, if this is an issue that you
9 care about -- in other words, you would be trying to
10 focus not only on the material that David presented
11 but this as well. And I think that's what we just
12 need to know, that when people are making comments or
13 when they are trying to think of whether they agree
14 with the analysis or disagree with it, these numbers
15 are the new numbers that we have to work with. And
16 maybe we agree with it or maybe we don't.

17 MS. SOPHER: Well, actually those numbers
18 are not -- we have not officially distributed a
19 revision --

20 BOARDMEMBER REINHARD: Well, then I guess
21 that's my question. Are you going to revise the RAG
22 with this?

23 MS. SOPHER: This is more information to
24 show that we think these numbers are very
25 conservative, and that's --

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1 BOARDMEMBER REINHARD: So you're not going
2 to revise the Remedial Action Plan?

3 BOARDMEMBER BUCK: Well, we were going to --
4 I think we originally intended to include that in our
5 responses to you, and some other discussions
6 regarding 6816s lengthening out. But we could put
7 this in the information repository for people to
8 consider.

9 BOARDMEMBER REINHARD: Well, I guess my
10 question is what is the official estimated cancer
11 risk for the site for purposes of the public comment?

12 MS. SOPHER: I would say, worst case, the
13 cancer risk is 10 to the -5. Again, if you read the
14 risk assessment it will remind you of all the
15 conservative assumptions that went into every step of
16 this process, and that that document does verify
17 those assumptions are very conservative, because new
18 studies being conducted at this time do indicate that
19 less pesticide is absorbed into humans than
20 previously thought.

21 BOARDMEMBER HORENSTEIN: The units here,
22 again, are deaths due to cancer from this site?

23 MS. SOPHER: Yeah -- there's not actually
24 .ts. That is -- yeah, 2 times 10 to the -5 would
25 be additional cancer deaths, two in 100,000.

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1 BOARDMEMBER BAXTER: Are you going to
2 mention what the level is that's bad for your Hazard
3 Quotient?

4 MS. SOPHER: Yes. We used a cutoff of one
5 in the Hazard Quotient process. They do a whole
6 bunch of calculations and then compare to a number,
7 and they basically divide the number they got by a
8 standard number for that compound. And if it's above
9 one, it triggers us to say there may be a problem at
10 this site. If it's below one we say there is not.

11 And in some cases, again, due to
12 uncertainties with specific chemicals, like
13 chloridane has been an example at this site, there's
14 a lot of uncertainty in the toxicity information for
15 that particular pesticide. We may choose to raise
16 that cutoff limit to five or something. And there's
17 a lot of guidance and discussion from the EPA,
18 actually, on how to use risk assessment data -- or in
19 feasibility studies.

20 BOARDMEMBER HORENSTEIN: I thought one in a
21 million was this cutoff number, which is 10 to the
22 -6.

23 MS. SOPHER: Uh-huh. Again, the NCP shows a
24 range, a generally acceptable range. And then once
25 you identify it -- I'm sorry, 1 times 10 to the -4 to

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1 1 times 10 to the -6. So they're saying somewhere
2 between one in 10,000 and one in a million,
3 somewhere in there is where we think it's okay.
4 And then as a cleanup goal you start and try
5 to achieve the one in a million for your cleanup goal
6 at all these sites. So you can back-calculate a
7 cleanup level based on these human health risk
8 estimates.

9 BOARDMEMBER REINHARD: Well, I guess now I
10 do feel compelled just to say that there are people
11 who would disagree with what Elizabeth just said,
12 that maybe the NCP does not say that that's
13 acceptable.

14 MS. SOPHER: Well, actually in the fact
15 sheet there is a direct quote from the NCP in that
16 fact sheet.

17 BOARDMEMBER REINHARD: I'm just saying that
18 I've also read from the NCP and I've also commented
19 on that.

20 MS. SOPHER: Obviously there are
21 interpretations --

22 BOARDMEMBER REINHARD: There are other ways
23 of looking at it. So, some people might not think
24 that's acceptable.

25 BOARDMEMBER HORENSTEIN: Sure. It stands to

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1 for cancer risks in order to generate those numbers.
2 MS. SOPHER: Okay. Ten minutes; you're a
3 toxicologist.

4 So, based on all the data that we've seen or
5 that you have in your package, we looked at
6 technologies for whether we need a remedy at this
7 site -- excuse me, we look at technologies to treat
8 compounds at the site. We evaluate whether or not we
9 need a remedy and the No Action Alternative.

10 Then you look at would it be just as good to
11 just keep people off that landfill; would that
12 eliminate all the risk at the site. And that is
13 called institutional control. And then containment,
14 again, is the capping and long-term monitoring option
15 for this site. That's a very standard way to deal
16 with a landfill, just for your background
17 information. And the Army's preferred alternative is
18 the soil cap that would be revegetated and quarterly
19 groundwater monitoring at the site.

20 Any questions? That's all I was going to
21 say about Landfill 8.

22 BOARDMEMBER HORENSTEIN: These are the only
23 alternatives?

24 MS. SOPHER: Those are the alternatives that
25 were assembled after the screening of technologies.

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1 reason if you have a cleanup goal of one in a million
2 but your Hazard Quotient of something much -- order
3 of magnitude higher than your cleanup goal is in a
4 trigger.

5 MS. SOPHER: Again, Hazard Quotients and
6 cancer risks are two separate processes. So, the
7 cancer risk estimates that we talked about, one in a
8 million or one in 10,000; the Hazard Quotients are on
9 a different scale than that.

10 BOARDMEMBER HORENSTEIN: You don't get that
11 Hazard Quotient from the cancer risks?

12 MS. SOPHER: No, because those are effects
13 not due to cancer. As Rob said, reproductive effects
14 or ...

15 BOARDMEMBER BAXTER: In your Hazard
16 Quotients, I don't think, Rob, it's mentioned in the
17 NCP, cancer, the hazard --

18 BOARDMEMBER REINHARD: The NCP does talk
19 about 1.0 as the level.

20 MS. SOPHER: That's because of the process
21 and how you get a Hazard Quotient, I mean, a
22 division. So, if the numerator is bigger than the
23 denominator --

24 BOARDMEMBER REINHARD: And the science on
25 non-cancer risk is a little more developed than it is

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1 So first you look at -- we detected pesticides in the
2 soil at the site. So, you look at all the
3 technologies, and those are included as an addendum
4 to the Feasibility Study, all the technologies that
5 were looked at at the site.

6 And the guidance on how to screen
7 technologies is the shorter list than the detailed
8 screening, but includes implementability, I think,
9 effectiveness. I think cost is in there too.

10 BOARDMEMBER HORENSTEIN: It's interesting
11 that no action is here, which is one extreme, but the
12 cleanup isn't, you know, which is kind of the other
13 range.

14 MS. SOPHER: But again, the risk assessment
15 did not indicate that we had risks above 10 to the -5
16 here.

17 BOARDMEMBER BAXTER: You might explain
18 either the cost of actually digging out and removing
19 that, or what process you went through to choose
20 capping it versus digging it up and getting rid of
21 it.

22 BOARDMEMBER BUCK: I think -- and this is
23 giving you the Army's perspective. Based upon the
24 information available from the sampling results, we
25 did not believe remediation at this site was really

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1 required. But we had discussions with the Water
2 Board subsequent to then, and they said the capping
3 -- they really had a strong preference to cap this
4 site.

And consequently, as things evolved, we did
6 put a capping alternative into the remedy because we
7 believe through groundwater monitoring probably the
8 best way to really tell if there's contamination from
9 a landfill, we don't think the data to date that
10 showed -- based on any of those organics that showed
11 some of those pesticides, but they weren't detected
12 in every round, that certainly excavation, if you go
13 through the process the RI/FS process, that wasn't
14 even really --

15 MS. SOPHER: Let me just put this up real
16 quick. These are the factors listed down here that
17 we have to use in the Feasibility Study to look at
18 these alternatives.

19 BOARDMEMBER BUCK: And based upon those
20 factors we didn't think excavation was even something
21 we really had to consider.

22 BOARDMEMBER BAXTER: In your process you
23 didn't evaluate, like, the costs?

24 MS. SOPHER: Yeah, we did, actually. It's
25 in the screening of technologies --

1 BOARDMEMBER BUCK: Well, I don't think we
2 evaluated the cost of that because it got screened
3 out. But that is correct.

4 MS. SOPHER: These are the criteria that
5 they looked at when they first screened those
6 technologies.

7 BOARDMEMBER BUCK: And after you go through
8 the screening and come up with the range of
9 alternatives, at that point you do more of a detailed
10 analysis of actual costs involved.

11 MS. SOPHER: Yeah, this is a very broad
12 screening. The real cost estimates are for the
13 alternatives that are assembled after that.

14 AUDIENCE MEMBER: Did you, at any point
15 considering this -- it seems like a lot of the
16 contamination is on the surface. Have you considered
17 removing, say, the surface contamination --

18 BOARDMEMBER BUCK: Well, you have a
19 landfill --

20 AUDIENCE MEMBER: I understand that, but did
21 you consider that? That's what I'm asking.

22 BOARDMEMBER BUCK: Well, we know don't think
23 that even the stuff that's on the surface is worth
24 really -- it's not presenting a level of concern that
25 would warrant remediation of that.

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1 AUDIENCE MEMBER: But you thought you'd go
2 along with a cap, which is potentially --

3 BOARDMEMBER BUCK: Well, see, it's more in
4 line with a ARAR-type thing as something you have to
5 do because it's there --

6 AUDIENCE MEMBER: Okay, but removal, it
7 seems like that's also a feasible alternative to deal
8 with the surface contamination as feasible and
9 reasonable as a cap.

10 BOARDMEMBER HORENSTEIN: I'd like to say
11 that a cap is, for landfills, the traditional way to
12 go and a good way for both instances, because the
13 only way really to get transmission of pollutants --
14 and there certainly could be pollutants in there --
15 is through, you know, water getting in there through
16 some ground and transmitting it down.

17 So, a cap, if it's just totally impermeable
18 around the whole landfill, you are not going to get
19 contamination and transport. I mean, that's always,
20 I think, the Regional Board and the EPA's desired
21 route, you know, cover this thing and you just won't
22 get the transport.

23 AUDIENCE MEMBER: I understand that that's a
24 additional thought, but in that it's likely that
25 this is going to become part of the national park, I

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1 guess that's where the Park Service would like you to
2 consider something beyond traditional.

3 MS. SOPHER: Well, since that FS we've
4 talked extensively about the limited excavation based
5 on our discussions with Roberta, and the reality is,
6 say we scrape off a foot of soil on that landfill.
7 There's no reason to believe that that's the only
8 detections we are going to get because, again, it's
9 very heterogeneous. We don't know.

10 We would still need to do groundwater
11 monitoring if we left any of the landfill in place.
12 So it's not really getting us anywhere. You would
13 still have to cover -- so you excavate a foot; you've
14 got concrete on the surface; you have rebar on the
15 surface. You're still going to have to provide some
16 kind of cover for that. And it's not really getting
17 you anywhere, is my thought.

18 BOARDMEMBER REINHARD: I think another way
19 to characterize this discussion we're having is
20 something important for our future RAB deliberations,
21 and that is when you select a remedy -- you know,
22 we've been trying to figure out, "Is the place bad?"
23 Well, you look at, "Is the place harmful to people?"
24 You look at whether it's harmful to the environment.
25 And in terms of harm to people, I think what

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1 Elizabeth is saying is that the Army's view is that
2 it's not really so bad. And I think what we just
3 heard over here is that as far as harm to the
4 environment there might be a concern because of what
5 the Park Service is planning. And when developing --
6 MR. HENDERSON: Wait. I have a question.
7 Harm to the environment is quite different than harm
8 to their management plan.
9 BOARDMEMBER REINHARD: Well, I was just
10 going to add another sentence. When selecting a
11 remedy under this statute, the statute says that you
12 should consider not only what's going on now, but the
13 potential future uses of the land. In other words,
14 we don't clean up in a vacuum. We're cleaning up an
15 area that's going to be used in a certain way.
16 And the question is, should the Army clean
17 this area to address the potential future use, to
18 address this natural vegetative cover or land area,
19 or should it not? And we may disagree; obviously, we
20 do. But I just want to make sure that's what
21 everybody understands is the problem here.
22 BOARDMEMBER HORENSTEIN: In the
23 decision-making process we don't talk about it, but
24 it always has this big cost component. And actually
25 capping is often the site's least costly alternative.

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1 got to address those first two. You have to achieve
2 protection of human health and the environment and
3 you have to achieve compliance with ARARs.
4 State and community acceptance are -- I
5 forget the term. They're the lowest on the list.
6 All the ones in between, they call them, I think
7 negotiating criteria or something, that you have to
8 trade off and balance the issues between reduction of
9 toxicity, mobility and volume of the contaminant to
10 the cost and to the short-term effectiveness, which
11 impacts when you actually do the -- are you going to
12 create a lot of dust when you dig that up that may
13 impact someone in the short-term.
14 So, those are the "balancing criteria" is
15 the real word. But your remedies have to address
16 protection of human health and the environment and
17 the ARAR's issue. So, there is a sort of hierarchy
18 in --
19 BOARDMEMBER HORENSTEIN: And the cost is a
20 reality. I mean, there's limited dollars and we want
21 to clean up the site.
22 BOARDMEMBER GIRARDOT: In all these risk
23 assessments, you know, you're looking at a specific
24 site -- not this one in particular, but just any site
25 that happens to be immediately adjacent to a

1 So there's a high direction and, of course, cleanup
2 is a high cost alternative.
3 MS. SOPHER: Also the most effective for a
4 landfill in many cases.
5 BOARDMEMBER HORENSTEIN: Well, yeah, but so
6 would go in there and get rid of the material and put
7 it --
8 MS. SOPHER: Where would you put it?
9 Another landfill.
10 BOARDMEMBER HORENSTEIN: You would know
11 whether it's hazardous or not also, and probably
12 construct it exactly with aligning a leachate
13 collection system. Modern landfills, they're little
14 to no resemblance of this landfill, certainly.
15 So anyway, in that screening process that
16 we're talking about, we aren't only talking about
17 technology and cleanup, we're talking about costs.
18 So, that's why --
19 MS. SOPHER: It's a component --
20 BOARDMEMBER HORENSTEIN: It's a huge
21 component --
22 MS. SOPHER: It's down on the list. I did
23 make a note on this sheet that -- our engineer
24 reminded me -- that the first two listed here are
25 called statutory requirements, and your remedy has

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1 residential neighborhood. Do you actually factor in
2 going out and looking and seeing what's happened to
3 people who have been living across the street for 40
4 or 50 years?
5 MS. SOPHER: There's not real good human
6 toxicity data. I mean, first of all, you know, they
7 use an assumption of 75-year residents. You can't
8 find enough people.
9 BOARDMEMBER BUCK: We didn't do it for this
10 particular site.
11 BOARDMEMBER GIRARDOT: No, but I'm saying in
12 general.
13 BOARDMEMBER BUCK: I have to say, there is
14 an agency out in Atlanta, the Center for Disease
15 Control, if they get indication that there's a cancer
16 cluster, for instance, or some other type of -- a lot
17 of miscarriages or something like that, they will go
18 out and do studies, epidemiological studies. But
19 certainly nothing like that was done here and we
20 don't believe it is warranted.
21 BOARDMEMBER REINHARD: And like I say, the
22 concern is not only with historical uses but what is
23 that area going to be like when the new use starts?
24 Will there be more people or less people exposed or
25 not?

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1 BOARDMEMBER BAXTER: One other thing to keep
2 in mind is we really don't have good data on what is
3 in the fill or how bad the fill is. We have some
4 samples that told us what was in those samples, but
5 don't really know right now whether that's the
6 worst that's in that fill or whether that's the best.
7 So whenever you consider about excavating it or
8 capping it or anything, you have to keep that in
9 mind, and that you can't really estimate too well the
10 cost of excavating because you don't really know how
11 far until you actually get down digging and sampling.
12 MR. HENDERSON: You may not know until you
13 do it the kind of classification of waste. You were
14 mentioning that it would be Class III landfill.
15 Probably not. If there was any detections in there,
16 we'd probably have to go to a Class II landfill. If
17 we got high enough over the STLC or TTLC levels, we'd
18 have to go to a Class I landfill.
19 BOARDMEMBER HORENSTEIN: But, boy, if that
20 stuff's in there, it sure would be nice to know.
21 BOARDMEMBER BUCK: For a landfill, that's
22 the best way to determine. Like you said, you could
23 grade it off --
24 MS. SOPHER: You never eliminate that
25 uncertainty of what's in between your borings.

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1 your xerox better. Again, this shows the thickness
2 contours of the landfill, and that center contour is
3 20 feet and those are five-foot contours. So it
4 thins out towards the top of the parking lot.
5 We did three test pits to look at the
6 material. Historical research indicated that this
7 was built in order to create this parking area and
8 that it should be primarily building material. It
9 was filled over quite a short period of time, and our
10 test pits did indicate that that was the type of
11 material that we found.
12 We analyzed each of the samples from those
13 test pits for a full suite and when I say that, I
14 mean volatiles and semi-volatiles and everything
15 that's on that target analyte list that you have
16 included there. It includes the broad range analyses
17 and the more specific analysis for pesticides. There
18 were no chemicals of concern that we identified at
19 the site through our evaluation and through the
20 initial screening processes and the risk assessment.
21 BOARDMEMBER BAXTER: You took one sample
22 from each pit, correct?
23 MS. SOPHER: Three samples. Basically it
24 confirmed the historical research at the site.
25 BOARDMEMBER BAXTER: Could you show on the

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1 BOARDMEMBER BAXTER: For those who aren't
2 involved in the process, STLC and TTLC are two words
3 that are used that are indicators of when material
4 has reached the status of hazardous waste.
5 BOARDMEMBER BUCK: Maybe we should try to
6 move on.
7 MS. SOPHER: Okay. There's not too much
8 more to go, really -- well, for me. I don't know
9 about the next presenter. Landfill 10 is located on
10 the southwest corner of the hospital area. It was
11 created when they expanded the hospital building and
12 needed a larger parking area, et cetera.
13 The maximum thickness, again, that was
14 inferred from geophysics and from historical maps,
15 and from our test pits at that site is that it goes
16 21 feet. And I don't know if Hugh -- I think they're
17 going to give you a little summary. They've been
18 looking at that landfill and they may have more
19 information on Landfill 10.
20 Again, same type of material in this
21 landfill that we found in Landfill 8 and other
22 landfills on the Presidio, sandy material with
23 bottles, concrete, other building-type materials
24 interspersed.
25 I'll put this up. You may be able to see on

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1 map where the samples were located?
2 MS. SOPHER: They're on the -- you mean
3 within the test pit?
4 BOARDMEMBER BAXTER: Within the landfill
5 area.
6 MS. SOPHER: It's not on this one. The test
7 pit locations are --
8 BOARDMEMBER: It's on this edge. It was
9 draped over --
10 MS. SOPHER: And that's the thickest fill
11 area at the site. Again, because this is a fill
12 area, we did put the site in the Feasibility Study.
13 Although there were no chemicals of concern
14 identified in the risk assessment but because there's
15 questions of whether or not a cap is appropriate, we
16 did do a Feasibility Study and, again, looked at the
17 No Action Alternative.
18 Confirmational sampling was another
19 alternative to get more data at the site to, again,
20 confirm that it's building materials primarily and
21 there's not chemicals that are of concern at the
22 site. And then the other option is to, without doing
23 that confirmation sampling, just to put the cap on
24 and do long-term monitoring.
25 The Army's preferred alternative is to do

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1 confirmational sampling, and that will include sole
2 borings, groundwater as well as down at the base,
3 three junior monitoring wells.

4 MR. HENDERSON: We added one upgradient.

5 MS. SOPHER: And collection of a few
6 additional background samples of the site.

7 BOARDMEMBER HORENSTEIN: What this means is
8 confirmational sampling, and if negative, then no
9 action.

10 MS. SOPHER: Yes.

11 BOARDMEMBER HORENSTEIN: Was this an
12 alternative in Landfill 8 that you looked at, or
13 because you're going with the capping you said, "Hey,
14 we don't need to do alternative sampling, more
15 sampling, because we're just going to cap"?

16 MS. SOPHER: Well, we, again, felt that we
17 have the soil samples beneath and we have well data
18 at the site, which still gives us a wider area of
19 information than the specific soil borings do. So,
20 confirmational sampling wasn't included at Landfill 8
21 because we felt we had data that told us enough about
22 the site. Doesn't that answer that question?

23 BOARDMEMBER HORENSTEIN: Well, it certainly
24 brings up questions, but I'm not going to get into
25 them now. That is an important question, always, "Do

1 you need more sampling?" And here you came to the
2 conclusion that yes, a landfill and a few bores
3 didn't really characterize it to a level of comfort.
4 But on the other one, three bores were comfortable
5 with the characterization.

6 MS. SOPHER: I think from our perspective we
7 do have samples in Lobos Creek, which is immediately
8 downhill from it, that we felt that those were
9 adequate because the groundwater, if it is directly
10 beneath that landfill, is discharging into Lobos
11 Creek. And we felt that was a good indication of
12 whether there's a problem coming out on Landfill 10.
13 However, there's discussion about that, and as an
14 option we said, "Okay, maybe for a negotiation we'll
15 look at putting in a couple wells and taking some
16 samples."

17 BOARDMEMBER BAXTER: Would you say how far
18 away from Landfill 10 Lobos Creek water comes out of
19 the ground?

20 BOARDMEMBER BUCK: Well, here's Lobos.
21 Creek. The scale here is 200 feet. So roughly --

22 MS. SOPHER: Couple hundred.

23 BOARDMEMBER BUCK: And the closest point,
24 maybe a hundred feet.

25 BOARDMEMBER BAXTER: So a hundred feet from

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1 the landfill you start getting water in Lobos Creek?
2 MS. SOPHER: The water starts actually up
3 the hill --

4 BOARDMEMBER BAXTER: Running water? I
5 thought the stretch of it was dry and it came up
6 downstream. So maybe the rains changed things or
7 something?

8 MS. SOPHER: There is water in that creek in
9 that area because we've taken surface water samples
10 in there.

11 AUDIENCE MEMBER: How do you access the
12 creek?

13 BOARDMEMBER BUCK: This shows the sampling
14 locations.

15 BOARDMEMBER FUENTES: How do you access the
16 creek?

17 MS. SOPHER: You can either come in behind
18 the national guard area there. You can kind of hike
19 in there, if you're coming from the bottom. You
20 can't -- well, you have to walk quite a ways around
21 on the edge of that valley from Landfill 10. And I
22 think we have to build a road, correct, to get down
23 there?

24 MR. WONG: We have to clear vegetation along
25 the trail that has been overgrown.

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1 MS. SOPHER: Not easily accessible, but you
2 can get this there. Surface water sampling doesn't
3 take a lot of equipment, so you can basically hike
4 in.

5 Last slide. Lobos Creek and Mountain Lake
6 were investigated, again, as I described in the
7 beginning, because this is part of a hydrologic area
8 and we feel that things coming out of anywhere in
9 this area, the ultimate destination is either
10 Mountain Lake or Lobos Creek.

11 We did surface water and sediment sampling
12 in Lobos Creek and we ran a full suite of analysis on
13 those. Pesticides not detected in any of the samples
14 from Lobos Creek, nor were other organic compounds,
15 which would include any solvents or those type of
16 materials. And they were also in an ecological
17 assessment compared to water quality -- ambient water
18 quality criteria, which are EPA values for levels of
19 concern, and none of the Lobos Creek data exceeded
20 any of those numbers -- oh, excuse me, lead did, in
21 one out of the six samples. The criteria is about
22 seven and the detection was nine parts per billion or
23 so, but that was only at one location.

24 BOARDMEMBER BAXTER: I'm confused, and maybe
25 you can answer. Lobos Creek and Mountain Lake were

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1 initially part of the main installation operable

2 units. Have they been moved?

3 MS. SOPHER: Those data were included in
4 of the reports.

5 BOARDMEMBER BAXTER: Okay. So when people
6 are reviewing the Public Health Service Hospital --

7 MS. SOPHER: These data are in there.

8 BOARDMEMBER BAXTER: So will they be signing
9 a ROD on whatever is going to happen on Lobos Creek
10 and Mountain Lake --

11 MS. SOPHER: These are used as indicators of
12 how we determine whether or not there was a problem
13 in this area.

14 BOARDMEMBER BAXTER: Okay. So then a ROD on
15 those two areas will be signed with main
16 installation?

17 MS. SOPHER: Right. I just wanted to
18 present the data, because it was part of our process
19 for looking at these sites. Again, just to remind
20 you, the Lobos Creek water is almost totally diverted
21 into the Presidio Water Treatment Plant, and other
22 wells along that area and the water are sampled on a
23 periodic basis.

24 Mountain Lake we collected two surface water
25 samples and several from one location, and then four

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1 first of all, pesticides are applied in normal weed
2 keeping and pesticide ridding processes. This is the
3 golf course right here. So this basin, besides
4 draining the hospital area, also drains the golf
5 course, or a part of the golf course at least. So,
6 we did think about that.

7 We do compare these to -- the heptachlor, we
8 did detect it one time and we detected cynide one
9 time. We re-sampled and did not detect those same
10 compounds. And because the levels were relatively
11 low compared to the standards that we need to use and
12 the detection limits and the fact that they weren't
13 repeated in the subsequent sampling, we determined
14 that there is no need for action at Mountain Lake.

15 BOARDMEMBER BAXTER: What about the thousand
16 parts per million of PH you found in those waters?

17 MS. SOPHER: There's a highway that runs
18 right next to Mountain Lake also that you need to
19 remember.

20 BOARDMEMBER HORENSTEIN: What was the level
21 of cynide that was found?

22 MS. SOPHER: I need to look it up. Why
23 't I get back to you on that?

24 I think I'm done, unless anyone has any
25 questions.

1 sediment samples. There were detections of a
2 pesticide called heptachlor in that. That's not the
3 same compound that we detected at Landfill 8. Those
4 data were compared chronic water criteria, and in one
5 of the sampling rounds, heptachlor and cynide did
6 exceed a chronic ambient water quality criteria, but
7 those detections were repeated in the subsequent
8 sampling, and the chronic criteria are appropriate to
9 compare to long-term sampling averages.

10 AUDIENCE MEMBER: Could you run that by
11 again. When you mentioned about cynide and some
12 other -- exactly what kind sediment, or whatever it
13 is you did, what was the factor? What was the main
14 substance that got to that?

15 MS. SOPHER: In the ecological assessment we
16 looked at the detections in the surface water at
17 Mountain Lake and compared them to some ecological
18 standards that are EPA water quality criteria that
19 are set up for protection of ecological species.

20 BOARDMEMBER HORENSTEIN: They're indicators
21 of contaminants somewhere, so with that looked at,
22 that all of a sudden we found cynide, not just
23 because it passed the contaminant level, but do we
24 have a source somewhere of this heptachlorine cynide.

25 MS. SOPHER: Maybe you don't remember, but

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1 BOARDMEMBER BUCK: I was going to say, I
2 think now we want to have some discussion about
3 ARARs --

4 AUDIENCE MEMBER: Can I just ask, on the
5 incinerator?

6 MS. SOPHER: Sure.

7 AUDIENCE MEMBER: What is that incinerator?

8 MS. SOPHER: It's part of the Public Health
9 Services Hospital, and the ash within the incinerator
10 was all collected and sent to the laboratory. It was
11 used for, as John mentioned, bodies, trash, other
12 hospital waste. It's not operating. It hasn't
13 operated since the hospital closed.

14 AUDIENCE MEMBER: Could it possibly be that
15 they were also burning toxic waste in the
16 incinerator?

17 MS. SOPHER: We don't have any record that
18 that occurred.

19 BOARDMEMBER BUCK: Just for your
20 information, the cynide level was eight parts per
21 billion.

22 MS. SOPHER: And what's the criteria? Do
23 you have the criteria?

24 BOARDMEMBER BUCK: No.

25 MS. SOPHER: Oh, that's on another table I

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1 need to get.

2 BOARDMEMBER BUCK: Why don't we now -- Dave
3 is going to talk. Okay. Just have some discussion.
4 Do you want to come up here, Dave?

5 MR. STANTON: My name is Captain Dave
6 Stanton. I'm an attorney. I work for the Army here
7 at the Presidio. You've heard a certain amount of
8 discussion about ARARs. I think we've had an
9 opportunity to talk about this briefly once before,
10 but I am going to briefly address what ARARs are and
11 just a couple of the legal issues that are involved
12 here at the Presidio cleanup, mainly because you're
13 going to be hearing about some of these things from
14 time to time and you really ought to know at least
15 some of the basics about some of the legal
16 requirements.

17 So, I'm going to start off by -- you
18 probably heard about CERCLA. You hear the acronym
19 CERCLA being thrown around, and that's the
20 Comprehensive Environmental Response Compensation and
21 Liability Act. That is a federal statute that deals
22 with cleanups of releases of contaminants into the
23 environment.

24 Because of an executive order, Executive
25 Order 12580, the Army acts as the lead agency here at

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1 cleanup remedy, you have to look at specific state
2 laws that come in. They come in as ARARs. ARAR
3 stands for Applicable Development of Appropriate
4 Requirements.

5 There are a lot of different state laws that
6 go -- you have to go through an analytical process
7 and you have to examine each one of them and you have
8 to line them up against some very specific criteria
9 that is outlined in the NCP. Some state laws
10 obviously have to do with the selection of the
11 remedy; some of them don't. And in the end you come
12 up with a list of ARARs.

13 For the most part, we've been able to
14 resolve all of our ARAR issues fairly easily. We
15 have selected a lot of ARARs. Some of them are not
16 quite so easily resolved. One of the things you'll
17 be hearing about from time to time, probably in this
18 context and maybe in some other context, is the issue
19 of State Water Board Resolution 6816, which is a
20 resolution that the state promulgated in 1968.

21 And I guess without going into much detail,
22 I think Shin-Roei wanted to briefly give you a little
23 bit of background.

24 BOARDMEMBER HORENSTEIN: I have a question.
25 Is the legal relationship with the Army and the

1 the Presidio and we're the ones conducting the
2 cleanup and we're the ones who are ultimately
3 responsible for whatever remedial action is selected
4 at this site. Obviously we have a lot of input from
5 other agencies and the public, but ultimately it is
6 the Army that is responsible for it.

7 Like a lot of you probably know, you have
8 different -- the word "laws" means a lot of different
9 things. You can have statutes which are laws that are
10 enacted by Congress, or by a state legislature in the
11 case of state statutes. You also have regulations,
12 which are really laws, but they're implemented by
13 administrative agencies under the authority of
14 whatever the state statute or the federal statute
15 happens to be.

16 In the case of CERCLA, which is enacted by
17 Congress, you have something called the National
18 Contingency Plan, also called the NCP -- I heard
19 mention of that earlier -- that is a set of
20 regulations that is enacted by the Environmental
21 Protection Agency, and it implements CERCLA.

22 There are other laws that come into the
23 picture whenever you have a CERCLA cleanup like this.
24 And when you're selecting a remedy, specifically when
25 you're going through this process of selecting a

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1 regulatory agencies, EPA, Regional Board, Department
2 of Health, is it different because it's the Army and
3 the Department of Defense versus if it was a private
4 company that had this --

5 MR. STANTON: That's a really good question.
6 In some cases yes and in some cases no. I mean,
7 there are specific statutes that say -- I mean,
8 Congress has said, "Army, you are going to be just
9 like anybody else out in the community for the
10 purposes of this statute."

11 One of those statutes is the Resource
12 Conservation Recovery Act that we heard mention of
13 earlier where Congress did something called the
14 Waiver of Sovereign Immunity where it said, "Army,
15 you can get sued by another federal agency, for
16 example, the EPA, and you can stand in the shoes of a
17 private litigant."

18 There are other statutes where there hasn't
19 been a Waiver of Sovereign Immunity --

20 BOARDMEMBER HORENSTEIN: Like CERCLA?

21 MR. STANTON: Well, CERCLA -- no, there has
22 been -- I mean, the Army can be fined under CERCLA.
23 There has been litigation like that. But for the
24 purposes of conducting a cleanup there is also an
25 Executive Order that says the Army will act as the

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1 lead agency for the purposes of conducting a cleanup.
 2 That really doesn't have a direct analog to, say, a
 3 private company or somebody like that conducting a
 4 cleanup. It's a little bit different.

5 The Army almost stands -- I guess the
 6 closest analogy I can make is it almost stands in the
 7 shoes of the EPA at a lot of other sites. It's
 8 granted a lot of the same authority for this type of
 9 cleanup --

10 BOARDMEMBER HORENSTEIN: So it enforces
 11 itself, in effect, oversees --

12 MR. STANTON: Well, ultimately, yeah. It's
 13 responsible for the cleanup decision.

14 BOARDMEMBER REINHARD: I'd just like to add
 15 a comment, you know, because we're here. Like I say,
 16 if there is an area of question, at least it's noted.

17 There are other ways of looking at the law
 18 that Captain Stanton just recited, and personally I
 19 don't share that view. You could also look at the
 20 Executive Order as saying that the agency which is
 21 there and in charge of the facility is in charge of
 22 selecting the remedy while it's there. But when that
 23 agency is no longer there and another agency is
 24 there, then that agency steps into the shoes of being
 25 a lead agency. So it could be someone might say that

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1 after September 30th that the Park Service should be
 2 more in charge. I'm sure Captain Stanton would not
 3 agree with that, but that's another way of looking at
 4 it.

5 And the other way of thinking about this
 6 authority here is that the EPA may choose sometime to
 7 come into this process or not. Just for us all to
 8 keep in mind, that the Army's -- like you say,
 9 policing itself. It's not unlimited, and there are
 10 other ways to think about these decisions.

11 MR. STANTON: Yeah. And obviously there are
 12 a lot of issues related to all of this, and Rob has
 13 brought up a couple of them. I want to throw in also
 14 -- you've heard about this before. There's been a
 15 subagreement between the Army and the Park Service on
 16 the environmental restoration that outlines the
 17 relationship between these two agencies as far as
 18 responsibility for the cleanup. The Army has agreed
 19 with the Department of the Interior to stay
 20 responsible for cleaning up this site. So, there is
 21 a federal inner agency agreement that deals with that
 22 issue.

23 MS. SOPHER: Can I just say one thing? I
 24 didn't mention this in my talk, but when Dave says
 25 the Army is policing itself, we do that with the

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1 review and comment and direction from the regulatory
 2 agencies. All our reports get reviewed and we
 3 respond to their comments and we change reports or
 4 change sampling programs based on the request of the
 5 regulatory agencies.

6 MR. STANTON: They're very deeply involved
 7 in everything we do. There's a lot of meetings and
 8 communication back and forth.

9 Shin-Roei, do you want to give a briefing on
 10 the 6816?

11 MS. LEE: Yeah. I bring with me a couple of
 12 hand-outs. I'll pass one on this resolution itself,
 13 and the other one is the legal analysis on how 6816
 14 applies to groundwater cleanup by the State Board.
 15 And you notice the date on this memo is really
 16 recent; it's February this year. And the reason for
 17 that, what prompted that memo, is because there is a
 18 lot of misinterpretations on this resolution that --
 19 I guess the misinterpretation that this resolution
 20 requires cleanup to the background conditions, and
 21 that really isn't the intent of this resolution.
 22 Therefore, the memo is trying to clarify that point.

23 I just want to say I think this is a great
 24 group of people here, based on the questions you
 25 asked and level of interest and the fact that you

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1 guys are still here at this hour is incredible.

2 Dave has mentioned this resolution was
 3 adopted in 1968. In October this resolution will be
 4 exactly 26 years old. It's older than some of the
 5 staff at the Board, probably some people in this
 6 room. I wish I could say that for myself. I mean,
 7 like other regulations or guidelines, it was adopted.
 8 To this date it has not been changed or modified.

9 If you look at it, it's just one page, very
 10 simple, straight forward. But it's so powerful that
 11 it has this great and everlasting impact on the
 12 decisions that we make and the Board on a daily
 13 basis. So, I personally appreciate this resolution
 14 so much, and I want to share with you some of the
 15 background and genesis of this policy, and secondly
 16 the State's perspective on the intent of this
 17 resolution and how this resolution applies to
 18 groundwater cleanup and soil cleanup. And then
 19 lastly, how this resolution applies to the Public
 20 Health Service Hospital.

21 I'll start with the background. The basic
 22 policy was established in February '68 by the
 23 Secretary of the U.S. Department of the Interior. In
 24 response to this directive from the Department of the
 25 Interior, State Board adopted in October '68 this

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1 policy, and after that USEPA in 1975 adopted this
2 first version and then was slightly refined and
3 repromulgated in 1983. That version is in the 40 CFR
4 Federal Register 131.12.

5 The Federal version and the state version
6 are similar except that the federal policy only
7 applies to the surface water and state policy applies
8 to both groundwater and surface water. The intent of
9 this resolution is to maintain the highest water
10 quality or background conditions, but it does not
11 absolutely require cleanup to background conditions.

12 In fact, it allows degradation if the change
13 of water quality is subject to -- I mean the
14 discharge that would result in a change of water
15 quality is subject to best practical treatment that
16 is consistent with the maximum benefit of people of
17 the state and that will not unreasonably affect the
18 existing and anticipated beneficial uses.

19 Compliance with this policy will result in
20 the cleanup levels for groundwater ranging between
21 the background condition at this level to the
22 applicable water quality objectives at this level.
23 Water quality objectives are established for
24 protection of certain beneficial uses that the Water
25 Body supports.

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1 So, there is the technical uncertainty in
2 establishing these numerical numbers, values, and
3 that's why it is appropriate to control a discharge
4 or cleanup of pollution to a level that is lower than
5 the numerical limits if the incremental benefit can
6 be achieved with modest incremental costs.

7 Now I want to cover how 6816 applies to
8 groundwater cleanup. It applies -- because it
9 applies to maintenance of highest water quality
10 therefore it applies to discharges of waste to
11 existing high quality water. It applies to
12 determination of groundwater cleanup levels because
13 it applies to discharges of waste, for instance,
14 Landfill 8 or 10, their discharge of waste of land;
15 therefore it triggers 6816.

16 Decision on how clean is clean between
17 background and applicable water quality objectives
18 can best be viewed as a balancing test. And the
19 state makes a case-by-case decision by taking into
20 account factors such as existing future beneficial
21 uses of the water body, economic and social costs of
22 the discharge compared to the benefits as well as
23 technological feasibility to control discharge.

24 How does that apply to the soil cleanup? If
25 the contaminated soil over-layed high quality waters,

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1 So, if I can use drinking water for example
2 to explain this better, if an aquifer is a drinking
3 water source and is contaminated, the cleanup level
4 for that will be from background and up to maximum
5 contaminant levels. That's the drinking water
6 standard.

7 There are people questioning, why waste any
8 money to cleanup to a level that's below the maximum
9 contaminant levels, MCLs. And on the other hand,
10 there are also people questioning that any pollution
11 should be cleanup to the background conditions, which
12 may be non-detectable for organics, for instance, no
13 matter at what cost.

14 So I guess let's ask ourselves, how are
15 these, say, for instance, MCLs established? It's
16 based on lab testing by, say, give a really high
17 dosage of one chemical to a rat and you observe the
18 effect on the rat and you try to establish it's part
19 of like risk assessment, the dose response
20 relationship. And then you get a result; you try to
21 extrapolate that to humans, you know, with very
22 different body weight, and also that in real world
23 humans may be exposed to multiple chemicals, that
24 they have synergistic effects that can not be
25 accomplished in lab tests.

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1 then 6816 applies, and that discharge, contaminated
2 soil to the discharge, must be subject to the best
3 treatment. In addition, Water Board has authority
4 under other Water Code sections to require discharge
5 to cleanup and abate the discharge or threatening
6 discharge.

7 Residual soil contamination may be left in
8 place if it is unreasonable to cleanup to background
9 levels, also if leachae will not cause groundwater to
10 exceed the groundwater. And also if health risk is
11 within acceptable guidelines. All of these above
12 have to be validated, though, by groundwater
13 monitoring.

14 So, let's talk about this particular site
15 we're here for. The remedy proposed by the Army for
16 Landfill 8 is capping, and groundwater monitoring
17 after that. And the cap, as I explained earlier,
18 would prevent infiltration, therefore reduces the
19 leachae potential for the waste to migrate to the
20 groundwater. Effectiveness of the cap will be
21 evaluated or verified by the follow-up groundwater
22 monitoring.

23 For Landfill 10, the remedy proposed is to
24 continue monitoring. And because the waste is mostly
25 construction debris with some elevated levels of

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1 heavy concentration, we feel that's the appropriate
2 remedy. It is the State's position that 6816 applies
3 to this site, because there is a discharge. The Army
4 does not agree with State's position at this point.

5 ever, the State and Army agree that the remedy
6 proposed now satisfy the requirements of 6816.

7 So in conclusion, the Army and State agree
8 on it and to move forward with this remedy, which is
9 the best thing that we can do for protection of water
10 quality. The State and Army agree to disagree on
11 whether 6816 applies for this site because we
12 shouldn't let the disagreement, or, as you say,
13 agreement, delay the remedial action for the
14 landfill.

15 So, that is what I have to say. I'll turn
16 it over to Romy.

17 BOARDMEMBER REINHARD: Before we get into
18 that discussion, I think there is considerably more
19 information that needs to be presented about 6816.

20 MR. STANTON: Actually, I'm sure we'll have
21 some good lively discussion about this after 6816.

22 BOARDMEMBER REINHARD: Well, I mean, before
23 we get on to the next item of the agenda.

24 MR. STANTON: Oh, I was actually -- Romy
25 just wanted to speak about negative declarations

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1 briefly. Then I was going to go back and talk about
2 the Army's position on 6816, and then I'm sure we'll
3 have a chance to talk about it in more detail.

4 BOARDMEMBER HORENSTEIN: Is there a time
5 we're going to conclude? Personally I hate to miss
6 any of this. I was just wondering if there's a time,
7 11:00 or 12:00 where we're going to say, "Okay, we're
8 going to continue the RAG to the RAB meeting or some
9 later date, because it's real important information.

10 MR. STANTON: I think we can do this --

11 BOARDMEMBER GIRARDOT: You guys have to stop
12 making so many comments and we can get through it.

13 BOARDMEMBER BUCK: Well, maybe you could
14 just give your --

15 MR. STANTON: You want me to just go and do
16 this -- okay. It doesn't matter to me. I'm just
17 going to briefly restate what Shin-Roei just said,
18 and that is, what we are talking about is an issue
19 that doesn't affect the remedy, the selection of the
20 remedy at the Public Health Services Hospital. The
21 state has already agreed with us on the preferred
22 alternative; that is capping. They think that's a
23 good idea; we think that's a good idea.

24 And the issue of 6816, whether it becomes an
25 ARAR at this site or not, it's not going to affect

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1 that. It's not going to affect the cleanup at this
2 site. We don't think it's an ARAR at this site. We
3 don't think it's one of those laws that comes in
4 through the analytical process of CERCLA Section 121
5 that would be used in the selection of the remedy.

6 It's a technical legal issue, but it doesn't
7 have a great deal of practical significance at this
8 site, and I think that is important to keep in your
9 minds as we go through this. But it is a worth while
10 discussion; you'll hear a lot about it.

11 I'll briefly go into why the Army doesn't
12 think it's an ARAR at this site. Let me see, I think
13 it's almost going to be a non-issue very, very
14 shortly, and the reason for that is because the state
15 is in the process of issuing some sort of
16 comprehensive guidelines for 6816. That's something
17 we haven't seen yet, and that's statewide
18 implementation guidelines for how this ought to apply
19 at all sites throughout the state of California. But
20 what we have is just a real lack of legal authority
21 that would help us interpret 6816 in its application
22 of an ARAR.

23 There is very limited case law on this
24 subject. As you know, when we go through a legal
25 analysis, we're looking for authority. We're looking

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1 for statutory authority; we're looking for regulatory
2 authority and we're looking for case law. There was
3 some litigation at a couple of air force bases not
4 very long ago where the EPA interpreted 6816 and
5 said -- I'll try and shorten this up as much as I can
6 -- that 6816 has a clear application where you are
7 taking contaminated groundwater, or contaminated
8 surface water as Shin-Roei pointed out; it doesn't
9 matter in California; it could be ground or surface
10 water, both -- and treating it and re-injecting it
11 into high quality waters of the state.

12 And when you're going through that process,
13 when you're treating water and re-injecting it into
14 some clean water, that's when 6816 clearly comes in
15 and you have to go through this analytical process,
16 "Is it in the public's best interest to go through
17 this; is it cost effective?" It goes just through
18 this balancing act, and decide whether or not to
19 allow for high quality state waters to be degraded to
20 a low level, because you're re-injecting treated
21 contaminated water.

22 BOARDMEMBER HORENSTEIN: Did I hear you say
23 that even if 6816 were applicable the state would
24 agree with this cleanup method?

25 MR. STANTON: Right.

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1 BOARDMEMBER HORENSTEIN: So it's a moot
2 point, isn't it? I don't understand what the issue
3 is.
4 MR. STANTON: Well, like I say, it's kind of
5 a technical legal issue. We're going through a
6 process right now where we're selecting ARARs and
7 we're coming up with this list of laws that are going
8 to apply to this particular site. We don't think
9 that it ought to apply and the state thinks that it
10 should apply. But you've raised a very good point.
11 It doesn't have a great deal of practical
12 significance.
13 MS. LEE: It is important. This Superfund
14 process of this ARAR waiver issue, if the state is
15 not consistently applying its policies and
16 regulations, then it can be waived.
17 BOARDMEMBER HORENSTEIN: Kind of a precedent
18 setting?
19 MS. LEE: Right, exactly.
20 BOARDMEMBER REINHARD: I really object to
21 this presentation. I think this is a completely
22 irresponsible and biased presentation if this is all
23 you're going to say about this problem. Everything
24 that you've said is just totally up for dispute and,
25 as you know, is not really the case about the

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1 and must be addressed.
2 Now, why is this a very important policy to
3 think about? It has consequences not only at the
4 Public Health Service Hospital. This entire
5 installation, the main installation, is riddled with
6 significant and major areas of soil contamination and
7 groundwater contamination. The Army has said --
8 there are varying degrees of severity, but at Crissy
9 Field I don't think anybody would dispute that
10 there's a major contamination problem. The Army is
11 saying that this policy will not only not apply at
12 the Public Health Service Hospital, it will not apply
13 to those other areas --
14 MR. STANTON: That's not what we're saying
15 at all.
16 BOARDMEMBER REINHARD: You just said it.
17 You said that the policy does not apply to areas
18 where there is soil contamination.
19 MR. STANTON: Well, first of all, I want
20 to --
21 BOARDMEMBER REINHARD: So if there is soil
22 contamination in other areas, then you'll say it
23 again.
24 MR. STANTON: I'm going to have to point
25 something out, and that is, when you go through an

1 importance of this policy.
2 MR. STANTON: Well, I disagree with you,
3 Rob.
4 BOARDMEMBER REINHARD: Well, that's what I'm
5 saying. I know that we have disagreements, but I'm
6 saying that it's irresponsible to leave the
7 impression here that there is no consequence to this
8 decision. There is a tremendous deal of consequence.
9 MR. STANTON: Well, enlighten us.
10 BOARDMEMBER REINHARD: I do want to have an
11 opportunity to talk about this. This policy, as we
12 just heard from the state person -- she started out
13 her presentation by saying that she really is glad to
14 have this policy because it is, in the state's view,
15 historically one of the more powerful weapons for
16 deciding how to get people to perform cleanups.
17 And the implementation of this policy has
18 been, at every single site in the state of California
19 besides Army sites -- and you were asking before, is
20 the Army different from industry. At every other
21 site, that's thousands of cleanup sites, this policy
22 has been definitely applied, without exception. And
23 it is applied to the ideas that soil contamination is
24 considered a discharge and must be addressed and that
25 groundwater contamination is considered a discharge

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1 ARARs analysis, there are no blanket ARARs. I mean,
2 that is wrong at its very inception. Every ARAR is
3 analyzed on a site-by-site basis. That's statutory.
4 There's nothing you can do about that. 6816, like
5 every other proposed ARAR, is going to be analyzed on
6 a site-by-site basis. We're not going to reject it
7 out of hand anywhere.
8 Also, I want to point out that this is
9 probably going to be a moot point very soon because
10 we are going to have some sort of comprehensive state
11 guidelines. Correct me if I'm wrong, but I think
12 they're going to be coming out within the next six
13 months or maybe less, that is going to outline
14 exactly how the state believes 6816 will be applied
15 at these sites.
16 BOARDMEMBER REINHARD: Now, one of the items
17 that I passed out is the state's view, as they have
18 it today. The state board has issued a letter
19 officially describing what we just heard before, that
20 this applies at the Public Health Service Hospital.
21 So, I can't comment on something that's not here and
22 won't be here for six months, since we don't know
23 what it says yet.
24 What I'm saying is that this policy has been
25 applied, like I say, without exception at every

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1 cleanup site in the state of California.

2 MR. HENDERSON: I disagree with that
3 totally. I've got two sites right now in the state
4 of California --

5 BOARDMEMBER REINHARD: Which are
6 non-military sites.

7 MR. HENDERSON: Okay, non-military.

8 BOARDMEMBER REINHARD: That's what I'm
9 saying --

10 MR. STANTON: So you're saying the military
11 gets disparate treatment from other cleanup sites?

12 BOARDMEMBER REINHARD: No. I'm saying the
13 military, which is deciding on its own what cleanup
14 requirements are applied, is making a distinction
15 between itself and other sites in California.

16 MR. STANTON: I mean, you just said it's
17 just military sites are the only places --

18 BOARDMEMBER REINHARD: I'm saying that at
19 every non-military site this policy has been applied
20 without exception.

21 MR. STANTON: At ever non-military site?

22 BOARDMEMBER REINHARD: Yeah.

23 MR. STANTON: That I don't know. But I do
24 know this, that all ARARs have to be analyzed on a
25 site-by-site basis. You can't have a blanket ARAR,

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1 BOARDMEMBER BAXTER: I think it also should
2 be kept in mind that the state board has had 6816
3 challenged repeatedly in the past by private
4 companies, and time and time again it was upheld.
5 And the fact that soil is a source of discharge was
6 upheld. And there are various orders that the State
7 Board issued on this issue that says the same thing.

8 This isn't just 6816 by itself. There's
9 also a very definite history of implementation for
10 the state of California, and not applying it at the
11 Presidio would be rather unusual, to say the least,
12 and it would be unusual too because it is a very
13 broad -- sort of the generic in a sense. It's broad
14 in far reaching, and I think that's why it applies to
15 so many sites. It basically says you've got
16 something you value; don't mess it up; and if it's a
17 little bit messed up don't make it worse.

18 It's such a common sense policy in a real
19 way. It applies to almost every site. And that's as
20 much as any reason why Rob says it hasn't been any
21 exception in the private sector, but it isn't without
22 because the private sector hasn't tried to get out of
23 in the same way or -- maybe "get out of it" is not
24 the right word -- challenge it in the same way that
25 the military is. And it's not just the Army that's

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1 challenging it. Other parts of the military have
2 been challenging it as well.

3 MR. STANTON: So everybody is going to be
4 analyzing 6816 as it applies to their sites. Private
5 parties are; the military is; everybody is.
6 Obviously we took a very close look at it and we
7 analyzed it and decided it just didn't meet the
8 analytical criteria in CERCLA.

9 So, it's not going to affect the remedy at
10 the site but, like I say, it's something that you're
11 going to be hearing about from time to time. And it
12 is a point of controversy, obviously, and I think
13 that I just wanted to keep you informed on that.

14 So, are there any other questions?

15 AUDIENCE MEMBER: Dave, has your office put
16 its legal opinion on this?

17 MR. STANTON: Well, right now we're in the
18 process of trying to come up with some sort of a
19 compromise with the state on how we're going to deal
20 with 6816 in the Record of Decision.

21 AUDIENCE MEMBER: Right, but I'm just
22 talking about whether you --

23 MR. STANTON: Well, there's been some
24 correspondence in between different levels within the
25 Army, but nothing that we're ready to publish or

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1 anything like that quite yet. But I think by the
2 time we get to the Record of Decision there is going
3 to be something so that everybody can see in the
4 public record exactly what the Army's position is on
5 the application of 6816 to this particular site and
6 what the state's position is.

7 And with that, Romy wanted to say a few
8 words about the declarations.

9 BOARDMEMBER BUCK: Before you leave, I just
10 wanted to inject a different opinion on what -- Rob,
11 you described major areas of contamination and Crissy
12 Field. I think we would dispute we have "major," and
13 recognize "some" contamination, but we wouldn't
14 characterize them as "major."

15 BOARDMEMBER FUENTES: My name is Romy
16 Fuentes. I'm with the California Department of Toxic
17 Substances. I've been on a project on Presidio for
18 about four years now. And also let me talk to you
19 about my agency. You know, my agency has a really
20 broad jurisdiction over cleanup of sites. We start
21 from taking of the sample in our policies, and
22 regulation applies down to disposal of the waste. So
23 as much as possible, we want to be multi-media, and
24 we try to coordinate with other agencies with regards
25 to our decision.

1 Just like Captain Stanton said, that they
2 have to consult with us, they have to really include
3 the state in the decision process. And one of the
4 requirements that we need to incorporate in the
5 cleanup process on the Presidio is the California
6 Environmental Quality Act.

7 Did everybody get the handout? As much as
8 possible, I'll be brief. I know it's late, and, you
9 know, I'm trying to condense this book into a
10 ten-page view slide. But I made copies of the
11 presentation.

12 The first page looks so convoluted, but
13 actually what it says is that we look at the proposed
14 remedies of the discussion earlier this evening on
15 what's going to happen to those sites that were
16 identified as problematic areas. So, I'll go through
17 the process, you know, but basically the first page
18 talks about what sort of documents we need to prepare
19 in order to address the CEQA requirement.

20 Depending on the significance of impact of
21 the proposed remedy, we might either prepare a
22 Negative Declaration or an Environmental Impact
23 Report.

24 BOARDMEMBER HORENSTEIN: Could I ask a
25 question really quick?

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1 BOARDMEMBER FUENTES: Yeah, sure.

2 BOARDMEMBER HORENSTEIN: I think 11:00
3 o'clock is a good target for us. Do you think you
4 can meet that?

5 BOARDMEMBER FUENTES: Yes.

6 BOARDMEMBER HORENSTEIN: I don't even know
7 if on the agenda there's someone that's coming after
8 this.

9 BOARDMEMBER FUENTES: The reason I'm trying
10 to get this message across, we have a document being
11 presented to the public next month for review, and
12 that comes along with the Draft Remedial Action Plan.
13 So, I just want to share with you the thought
14 process.

15 BOARDMEMBER HORENSTEIN: It's the cost of
16 being last on the agenda that always gets squeezed.
17 So ten minutes is a fair target?

18 BOARDMEMBER FUENTES: Yeah, sure. Like I
19 said, I'm going to go through it quickly. Okay. The
20 second page, you know, this is the three-step
21 analysis -- you know, I asked myself about the
22 project and I gave myself a lot of time to think
23 about the remedy even before the actual remedies
24 being selected because, you know, the Army had this
25 conception of what they're going to do on the

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1 particular site.

2 So, there's three questions on the second
3 page, you know. I asked myself, you know, the key
4 elements of CEQA project, is it resulting to a
5 physical environmental change, and also it's
6 discretionary. It's our decision whether or not to
7 concur or not to concur on the Army's proposed
8 remedy.

9 And then the second question is, is the
10 proposed remedy exempt from CEQA compliance. So, I
11 go through that analysis and determine that, you
12 know, the project is not exempted. The proposed
13 remedy is not exempted from CEQA compliance.

14 And the third question, which is the most
15 important question that I needed to answer, is that
16 would the proposed remedy have a significant effect
17 on the environment. And I can not just answer it by,
18 you know, without any kind of solid information.
19 So, what I did was I gathered information. I read
20 the Army's report. I consulted different agencies,
21 particularly the Natural Resource trustee agencies,
22 and the Water Board, the National Park Services,
23 on what sort of input they'll have on what particular
24 document will come up with regards to the proposed
25 remedy. So, that's the thought process right there.

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1 And the third page gives you an idea what a
2 Negative Declaration is. If there is no impact or
3 significant environmental impact, we prepare a
4 Negative Declaration. And there's this -- you know,
5 agency believes in public participation, so we
6 include that document along with the proposed remedy
7 for your review, and we'll respond to comments
8 received by the public.
9 We can also come one up with a Mitigated
10 Negative Declaration, you know, where we anticipate
11 some potential impact to the environment. There
12 might be some engineering control or there might be
13 some action that needs to be done in order to avoid
14 impact to the environment.
15 And then the succeeding page discusses all
16 the considered significant effects, and you can go
17 through those bullet items. So, as Page 6, which are
18 the mandatory findings of significance that needs to
19 be considered in determining what sort of document
20 you need to prepare in analyzing the proposed remedy.
21 And Page 7, our bullet items on the content
22 of the Environmental Impact Report. And then the
23 succeeding pages gives you information more about the
24 Environmental Impact Report. For this particular
25 project, we're not preparing an Environmental Impact

1 Report. We're saying that the Army's proposed remedy
2 doesn't have any significant effect to the
3 environment.
4 So, that concludes my presentation. So, if
5 you have any questions, you can call me. I'm listed
6 in the RAB members directory.
7 Thank you.
8 (Adjournment)

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1
2 STATE OF CALIFORNIA)
3 COUNTY OF ALAMEDA) SS
4
5 I, Jill Anne Stephenson, Certified Shorthand
6 Reporter, do hereby certify:
7
8 That the foregoing proceeding was taken by me at
9 the time and place therein named; and
10
11 That the same was taken in shorthand and thereafter
12 transcribed into typewritten transcription.
13
14 I further certify that I am a disinterested party
15 to said action and in no way interested in the outcome
16 thereof no connected or related to any of the parties
17 thereto.
18
19 IN WITNESS WHEREOF, I have hereunto set my hand and
20 affix my official seal of office this 16 of Aug 1994
21
22 Jill Anne Stephenson
23
24 CLARK REPORTING
25

THE RESTORATION ADVISORY BOARD MEETING

CERTIFIED COPY

TUESDAY, AUGUST 1ST, 1994

HELD AT

PRESIDO ARMY BASE

SAN FRANCISCO, CALIFORNIA

7:00 P.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY JILL ANNE STEPHENSON CSR 8562

CLARK REPORTING

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PROCEEDINGS

BOARDMEMBER WILKINS: Good evening. I'd like to once again welcome you all to the next installment of the Restoration Advisory Board for the Presidio. First off, I'd just like to address some concerns that I've been made aware of regarding location and timeliness of announcements for our meetings.

I would like to say that we are doing our best to inform you of the times and locations for our activities with the limited staff support that we have available. It is very difficult and time consuming to coordinate these events. It is challenging enough to do it on a monthly basis, but per your request for wanting to do it every two weeks, that even makes it more challenging. It's nearly impossible for us not to give you notice about the agenda or the meeting times until the last minute, but we will do our best to improve that.

As far as the location goes, we're also in the process of trying to identify a suitable location where we can have our meetings at the same place, month in and month out. So, I would just ask you to be patient and bear with us as we go through this process. We are still in the process of increasing our staff

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support to allow us to manage these things more efficiently.

With that, I'll turn it over to Shirley, who will facilitate this evening.

FACILITATOR BUFFORD: Good evening. Before I get started, I'd just like to welcome everyone and introduce myself to those who don't know me. My name is Shirley Bufford and I'm from the Department of Toxic Substances Control.

Michael, your hand has already gone up and I was going to invite the public members from the audience to also join us. If you have questions or concerns or statements that you'd like to make, please feel free to do that.

And with that, I'd like to open it up with Michael Alexander.

BOARDMEMBER ALEXANDER: Thank you. I just wanted to follow along the points that the Army has just made, that we have been clearly having a problem with finding a meeting site. This is, I think, the fifth site in the last five meetings. I think we've got problems with legal accessibility of these public meetings. I can't believe that this meeting is, for example, accessible to the disabled. We have problems with lack of public transportation. We have problems

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1 with a location that is known to the public. We have
2 problems with the location being shifted with each
3 meeting. And it makes for a very difficult situation.
4 I appreciate the Army's problems with downsizing, but
5 these are legally mandated meetings and we've got to do
6 them in a legal way.

7 So, I took it upon myself to try to figure
8 out if there isn't a way that we could solve some of
9 these problems, because it seems to me that meeting on
10 the Presidio at this time creates, at the very least,
11 public transportation problems. There just is not
12 adequate public transportation here.

13 Another factor that I think we need to keep
14 in mind is the cost of meeting rooms. Some of the
15 meetings that meet all the other criteria are
16 expensive, and those are dollars that come out of
17 actually doing the work cleaning up the place in the
18 end, because there's only a finite amount of money.
19 So, I talked with a member of the Citizen Advisory
20 Commission at GGNRA and asked for some suggestions, and
21 the suggestion was, "Why don't you do what we do?"
22 which was to meet at Building 201 at upper Fort Mason
23 where they've been meeting for the past 18 or 19 years.
24 It's known to everybody involved in this process; there
25 have been many meetings up there before. And today I

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1 spoke with the superintendent of the GGNRA and said,
2 "Would you be able to make this room available for us
3 on a regular basis?" And he said, "Sure, I'd be happy
4 to."

5 So, if we need a good place to meet that is
6 well known and accessible, I propose that one.
7 FACILITATOR BUFFORD: That's a good
8 suggestion. I'm sure the Army will take that into
9 consideration. There has been a lot of discussion
10 about meeting location and accessibility. We were
11 told, just today, that the Army has looked all over the
12 place and nothing was available on a Monday night. And
13 we have talked with the co-chair about that. So,
14 again, the Army will take that into consideration, and
15 we'll try our best to make sure that we have meeting
16 rooms that are accessible. I think you're absolutely
17 correct. We definitely have to make them accessible to
18 all members of the community. So, thank you for your
19 comments.

20 With that, I'd like to introduce our first
21 speaker, who is Theresa McGarry from the Department of
22 Toxic Substances Control. Theresa is an environmental
23 assessment and reuse specialist and she will discuss
24 that infamous CERFA law. Everything you wanted to know
25 about CERFA, Theresa will talk about that. Why don't

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1 you come up to the front? I think this is probably a
2 good place.

3 MS. MCGARRY: Well, thank you for inviting
4 me tonight. I thought maybe before I get into CERFA
5 and what happened here at Presidio with regard --

6 BOARDMEMBER MARTE-BAUTISTA: Could I just
7 ask you to write your name and your office for some of
8 us who are a little slow?

9 MS. MCGARRY: I work for the Department of
10 Toxics within CALEPA, and I'll just give you a little
11 bit of my background and my role in this process. I am
12 the reuse specialist for Presidio, as well as some
13 other bases in the Bay Area. I work on Hunters Point
14 and Hamilton and Fort Ord. Anyway, there's a number of
15 them.

16 Our role primarily is to try to facilitate
17 the integration of cleanup and reuse. The project
18 managers have the ultimate responsibility to oversee
19 the cleanup of the base, but we found that, you know,
20 they're so entrenched in reviewing all the cleanup
21 documents that there was a need to have somebody sort
22 of coordinate the effort in getting the property ready
23 for reuse and coordinate the regulatory agency's role.

24 So, there is about six of us throughout the
25 state. We work on the bases throughout the state that

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1 are closing. EPA has a counterpart to us. There's
2 only two of them, so we tend to show them more meetings
3 than they do, but they have the same role. And I'll
4 get into that as I talk about CERFA.

5 CERFA, I'm not sure how many of you know
6 about CERFA. It stands for the Community Environment
7 Response Facilitation Act. And actually the Army or
8 National Park Service -- Martha can feel free at any
9 time to add to anything I'm saying up here regarding
10 CERFA, but its concept actually came out of the
11 meetings between the EPA, DoD, Department of Defense,
12 and the state, the idea that we could sort of parcelize
13 the installation and carve out those areas of the
14 installation that did not require any environmental
15 response.

16 So, out of these meetings came some very
17 preliminary guidance documents. And as I understand,
18 this was happening when I was just coming into the
19 program. It got codified in Washington, in law,
20 because I think it was Congressman Panetta that was
21 sort of spear-heading that effort. I believe he worked
22 with Walter Wong from Monterey County because of the
23 concern about Fort Ord, and they were trying to get
24 those uncontaminated areas freed up for reuse.

25 So, consequently what happened with the BRAC

1 1 and 2 bases is they had to play lot of catch-up. All
2 of a sudden the law hit the streets and they had to get
3 those contracts in place. You know how cumbersome that
4 can be to try to identify these parcels. So, I have to
5 congratulate the Army that they met the deadline. They
6 worked real hard to try to get these documents
7 together, what we call the CERFA documents or
8 Environmental Baseline Survey that they used to
9 identify these parcels. And we all had very short
10 suspense times, so we worked very diligently to try to
11 meet a deadline set by the statute, and that was April
12 19th just passed.

13 Anyway, CERFA basically said that the bases
14 had to identify uncontaminated property, and when they
15 went to evaluate the property they had to consider
16 petroleum products. This is different than what CERCLA
17 requires. Normally CERCLA doesn't include petroleum.
18 So when you're doing cleanups on a CERCLA, you're not
19 addressing petroleum contamination.

20 But CERFA said in order to call something
21 uncontaminated you need to look at petroleum storage,
22 lease or disposal as well as hazardous substances under
23 CERFA. And basically the criteria was there could be
24 no storage greater than a year, no release and no
25 disposal.

1 summary of the physical environmental condition of the
2 property.

3 Now, in the case of Presidio, you got a
4 federal to federal transfer. So, that's unusual. As I
5 understand, the finding of suitability to lease or
6 transfer comes out of five point program guidance, and
7 if you hear me, I say lease or transfer by deed.
8 Presidio is not getting leased to the National Park
9 Service and it's not getting transferred by deed, in my
10 understanding. It's some other kind of instrument,
11 some agreement or whatever you guys do to that kind of
12 transfer.

13 So, I don't believe we're going to see
14 findings of suitability to lease or transfer from the
15 Army when this transfer takes place, which is different
16 because it's a federal-to-federal thing than other
17 bases where the property is going to the community or
18 some private sector, or one outside the government.

19 I've mentioned this to the National Park
20 Service and I have also said the regulatory agencies
21 would be very happy to work with the National Park
22 Service if they decide they're going to do some type of
23 finding of suitability lease or transfer, and they
24 could use the Army's CERFA document to support that
25 finding.

1 So the military went about going through
2 that process. The law also says that if you're an NPL
3 site, that that determination isn't complete until you
4 have concurrence from EPA, and if you're not an NPL
5 site, which is the case of the Presidio, that you had
6 to give the state regulatory agency 90 days to review
7 and comment, basically to concur or not concur.

8 So, this happened. We got what they call
9 CERFA documents that they also called Environmental
10 Baseline Surveys, which is basically a process where
11 they go out and look at the whole installation and they
12 do what they call a seven-step protocol. They do
13 something very similar to a preliminary assessment
14 analysis, a PA the state calls it. And they look at
15 records; they look at existing data; they do
16 interviews; they look at aerial photos, very similar to
17 a PA, preliminary assessment.

18 When they did Presidio, the focus of the
19 document was to identify uncontaminated property, but
20 they called this document also an Environmental
21 Baseline Survey, which is what many of the bases are
22 using to support findings of suitability to lease and
23 to transfer property. So, the CERFA document that the
24 Army did for Presidio is also what they call the
25 Environmental Baseline Survey. What that is is a

1 But the way the EBA process works is that
2 when you do a baseline it's a snapshot, a living
3 document. So, it's supposed to be updated as you get
4 more information on the environment. So, if you get
5 ready to lease a particular building or transfer by
6 deed a particular area, then you would look at your EBS
7 and you would see if it had all the information you
8 need to make a decision that it's suitable for.
9 Transfer. And when you're deciding whether or not some
10 piece of land or building is suitable, you're looking
11 at risk; is there some type of contamination in the
12 area that you're cleaning up; would there be a risk to
13 the person using that area; would there be any
14 interference with the ongoing remediation in that area.
15 So, a lot of times the EBS or the FOSL as we call it,
16 finding of suitability to lease, will lift out all the
17 use restrictions.

18 BOARDMEMBER ALEXANDER: I have one. You
19 said that -- I think this is going to prove to be an
20 important point. The CERFA document is also at a
21 closing base and constitutes an Environmental Baseline
22 Survey, and that's preliminary for a finding of
23 suitability for lease or transfer. You said that the
24 Presidio is special because it's a federal-to-federal
25 transfer, and it's your understanding -- although it's

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mine -- that there won't be a lease, which for sure
2 that's the case, but there also won't be a transfer by
3 deed and it's going to be some special document.
4 Therefore, you said, there won't be ... and that is
5 where you lost me.

6 MS. McGARRY: They would not do what they
7 call a FOST, which is a finding of suitability to
8 transfer, which is the decision document that's based
9 on an EBS, Environment Baseline Survey.

10 Now, the Army has some type of subagreement
11 that deals with the transfer to the National Park
12 Service, and all kinds of things could be in there.
13 I'm not privy to that document, so I don't know exactly
14 what the conditions are in that document, and that's
15 something that the Army and National Park Service could
16 discuss with this Board. But basically what an
17 Environmental Baseline Survey -- and it's a good idea
18 to do. It documents the actual conditions. So if I
19 give you a piece of land, I know what was there when I
20 gave it to you. So if you contaminate it further,
21 you're responsible. I mean, that's the whole idea of
22 it. Those environment assessments, people were doing
23 it and banks required it before they would loan out
24 property; it's very similar to that.

25 MS. GROVE: I'm Jennifer Grove from the

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1 Department of Interior. My understanding of CERFA and
2 how it deals with disqualified parcels is not actually
3 the same as you're describing. When it deals with
4 disqualified parcels, it's merely an identification of
5 the potential for contamination. It is not an
6 environmental condition of the property.

7 In other words, it will have a description
8 of the fact there might have been storage at the
9 building, but no identification of whether or not there
10 has been contamination and whether or not it's been
11 evaluated. That will not be addressed in the CERFA.

12 MS. McGARRY: You're right. In terms of
13 being able to describe what's gone on on the property,
14 if there's been some type of investigation, it will
15 discuss that. If it hasn't been evaluated, it should
16 say that. If there's a potential of some sort for
17 contamination, it should say that, because you're
18 describing what they know of the property then and
19 there. And they look at any environmental documents
20 that are in place for that property. So, any of the
21 RI/FS studies or investigations that are going on at
22 the Presidio, they would summarize that information and
23 reference it in that document.

24 So, I don't mean to tell you that this
25 document will tell you whether or not there's

15

1 contamination somewhere. What they did was, in order
2 to comply with CERFA, is they looked at Presidio and
3 they said, "Okay, I've done my record surveys; I've
4 done my interviews; I've done my site walk-throughs;
5 I've looked at adjacent areas to see if there is any
6 plume heading this way, and it's all to the negative.
7 I don't find anything on that property, no storage
8 greater than a year, no disposal, no release. I looked
9 around. I don't see where there's contamination
10 somewhere else heading towards this parcel, so I will
11 nominate this parcel as being CERFA."

12 And then the regulatory agency had to
13 concur on that, which we did. We concurred on a lot of
14 the parcels that they presented to us and we didn't
15 concur on some others.

16 BOARDMEMBER ALEXANDER: Was every parcel
17 looked at? For example, was every building inspected?

18 MS. McGARRY: They should have looked at the
19 building interior and exterior. Now, if you want to
20 talk about asbestos and lead-based paint, that's sort
21 of an unusual situation because asbestos in buildings
22 and lead-based paints did not necessarily preclude a
23 parcel from being considered CERFA clean, CERFA
24 eligible, whatever you want to say.

25 What we did there is we told the military

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1 that we wanted to see surveys done and disclosure of
2 that fact, if there was lead-based paints in the
3 building or asbestos in the building, because we felt
4 that really didn't meet the definition of our release
5 disposal or storage of a CERFA hazardous substance. So
6 therefore a lot of those parcels that had asbestos in
7 the building and lead-based paint in the buildings did
8 get a concurrence that they were CERFA clean.

9 But the Army tried to qualify those parcels
10 where they found there was still some kind of safety
11 issue or hazard. They wanted people to know this may
12 be CERFA clean, but there's a hazard there, there's
13 asbestos, there's lead-based paint. So, they wanted to
14 be up front with people, and they were.

15 BOARDMEMBER ALEXANDER: It's my
16 understanding that not every building was surveyed.

17 BOARDMEMBER BUCK: That's correct.

18 BOARDMEMBER ALEXANDER: Can you explain,
19 then?

20 BOARDMEMBER BUCK: The buildings that were
21 surveyed were the ones that had been identified as
22 having the potential for storage of hazardous substance
23 or release, things of that nature, based upon the
24 seven-step criteria that Theresa had outlined. They
25 didn't go in every family unit; they didn't go into

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1 every administrative building where there was no record
2 of hazardous storage, release, disposal, things of that
3 nature. That was not a requirement of that seven-step
4 process.

5 BOARDMEMBER ALEXANDER: Whose seven-step
6 process is this?

7 BOARDMEMBER BUCK: That was outlined in the
8 CERFA law, I believe.

9 MS. McGARRY: There's duty guidance on it,
10 and they call it the seven steps because it's seven
11 steps. When you look at it --

12 BOARDMEMBER ALEXANDER: I understand. If I
13 could follow on that question, then, I'm going to
14 imagine a condition, a foreseeable condition at the
15 Presidio. I come in as a prospective tenant and I'm
16 interested in leasing four buildings at the Presidio.
17 And because I wasn't -- because I have attorneys to
18 advise me, one of the things that I want to know is are
19 these buildings safe for my organization's employees
20 and for people who will be visiting my buildings?
21 Because once I lease them I'm going to accept a certain
22 liability in those buildings, so I want to know if
23 there are any hazards in those buildings, including
24 environmental hazards.

25 And I found out that three of the four

1 buildings were never inspected, so we don't really know
2 what's there. I think under those conditions my
3 attorneys would be advising me that I should not be
4 entering into a contract until I know that those
5 buildings are clean. At that point I'm going to be
6 saying to the National Park Service or the Presidio
7 trust, whoever I'm dealing with, "I want those
8 buildings, if I'm going to lease those, certified. I
9 want them inspected and I want to know exactly what's
10 in it and I want you to take care of any problems
11 before I move in."

12 That strikes me as a reasonable demand from
13 a tenant. But it sounds to me as though we may be
14 dealing here with hundreds of buildings that, for
15 whatever reason, have not been inspected and yet are
16 going to be subject to a test by prospective tenants, a
17 demand by prospective tenants that they be inspected
18 and cleaned up before they're leasable.

19 MS. McGARRY: When you say "inspected and
20 cleaned up," you're talking about asbestos primarily,
21 and lead-based paint?

22 BOARDMEMBER ALEXANDER: Well my lawyers, I'm
23 sure, would say, "We don't care whether it's asbestos
24 or lead or petroleum products or biological materials
25 or pesticide spills or any of that stuff. We want to

19

1 know that that building is clean."

2 BOARDMEMBER BUCK: Can I say something?
3 This is the CERFA Report, right here. The background
4 information going into the CERFA Report probably would
5 cover several tables here going into
6 building-by-building inspections for asbestos, things
7 of that nature. So just because the CERFA team
8 compiling the report didn't necessarily go through each
9 building, they're drawing upon a lot of information
10 that, in many cases, in certain cases, did go through
11 each building, for instance, asbestos, things of that
12 nature.

13 So, to say there's not information available
14 out there regarding buildings and safety hazards, you
15 know, that seven-step process was designed to cover
16 those eventualities.

17 BOARDMEMBER MARTE-BAUTISTA: Only for
18 storage.

19 BOARDMEMBER BUCK: No, storage, release,
20 asbestos.

21 BOARDMEMBER MARTE-BAUTISTA: Release, yes,
22 but for instance, say this building was a gardening,
23 tools, whatever building at a time, so we assume that
24 there's some pesticides underground or wherever, and it
25 looks okay, and they did not investigate because it is

20

1 not a storage.

2 BOARDMEMBER BUCK: Well, if there was
3 information --

4 BOARDMEMBER MARTE-BAUTISTA: There was no
5 plume. So, I mean, out of those conditions we assume
6 that this thing still has contaminants.

7 MS. McGARRY: When they looked at these
8 areas -- before they submitted them as CERFA they
9 looked for any kind of release of a CERFA hazardous
10 substance or petroleum product. Pesticides was also
11 looked at, petroleum, waste oil. So, those things
12 should have been looked at for release, disposal or
13 storage. And if they found there was no release or
14 storage or disposal, then they said, "This is a CERFA
15 parcel." And based on their process, by looking at
16 records and doing interviews and doing visual
17 inspections they made that determination and we
18 concurred to that.

19 Now, when you talk about asbestos and
20 lead-based paints, they told us, "We have lots of
21 buildings here with lead-based paint and asbestos."
22 And there may have been a release into the building,
23 but that's not considered a release under CERFA into
24 the building. So, you may have an occupational
25 exposure there, but that doesn't come under CERFA.

21

1 They were obligated under DoD policy to do surveys for
2 asbestos and lead-based paint. They were obligated to
3 do that. Basically the DoD guidance gave it as an
4 example, "should we discuss this survey," but that
5 didn't affect the determination.

6 So, they gave all that -- and what the
7 regulatory agency wanted them to do was to give all
8 that information in these CERFA documents or EBS's,
9 whatever you want to call them, to let people know that
10 there is a potential there for a release, to give the
11 condition of the asbestos, was it fryable, was it
12 non-fryable. But there was only so much we could do
13 under CERFA.

14 CERFA is not going to take care of all those
15 issues, but an Environmental Baseline Survey,
16 especially one that's tailored, to describe a piece of
17 land or a building you're getting ready to transfer or
18 release, that should take care of it. Then they should
19 go back in there and fill in the day-to-day gaps that
20 should be available to the persons that get the
21 properties so they could look at that thing and see
22 what kind of information they put in there, what kind
23 of condition that property is in and the buildings.
24 And that's when it gets more specific.

25 BOARDMEMBER ALEXANDER: So the Environmental

22

1 Baseline Survey, is that being done for each building?

2 MS. MCGARRY: Well, like I said before, this
3 is -- John, you want to talk?

4 BOARDMEMBER BUCK: Our position is that
5 basically all the information, or what we would have
6 done for those buildings, are contained in the CERFA
7 Report through all the other documentation that was
8 reviewed for purposes of the CERFA document. So, we
9 don't believe we need to do an EBS for each building.

10 MS. MCGARRY: Which is believable, because a
11 base-wide EBS could be comprehensive enough that it
12 satisfies a finding that a building is suitable to
13 lease. It's when they get down to here's the building,
14 here's the land they want to lease, they look at their
15 document and say, "Do we have enough information here?
16 Yes or no?" If it's no, they will expand --

17 MS. GROVE: The Department of Interior, we
18 have a bit different position on that issue and we're
19 going to be talking with the Department of Army on this
20 issue and working with them on trying to work it out.
21 But there is an issue about disqualified parcels --

22 BOARDMEMBER ALEXANDER: What do you mean by
23 "disqualified parcels"?

24 MS. GROVE: Disqualified parcels are parcels
25 that did have hazardous materials, storage or waste

23

1 storage, release disposal for a year or more.
2 Basically for certain buildings -- from what I
3 understand, the state didn't review whether or not a
4 building was properly reviewed as to its
5 disqualification. So when we talk about a disqualified
6 parcel, a parcel they said, "Yes, there was hazardous
7 waste stored or release at this building," it's
8 disqualified; it's not suitable for a lease.

9 But what they didn't put in that report is
10 what are the problems, what's the extent of the
11 contamination there. If there's been a release, a
12 building -- I can come up with many buildings that will
13 have a statement there was a release, and a reference
14 to basically only an investigation but no remedial
15 efforts are planned, and no statement as to what
16 they're going to do to quantify what the problem is
17 with that particular building. And that's a gap
18 between the CERFA Report and what is needed for a
19 finding of suitability to lease.

20 So, you could not, for a lot of these
21 disqualified parcels, go into the private sector to the
22 community and say, "If you want to reuse this building,
23 here's all the proper documentation." You would have a
24 one-liner in the CERFA Report and perhaps a statement,
25 an investigation done two years ago or a year ago

24

1 basically saying there was a release at some time.

2 Now, there are certain situations where it's
3 only an underground storage tank that's been
4 remediated, and you can look at a document and it will
5 solve the question. But as to a number of buildings,
6 there still is a gap where we need to work out with the
7 Army to basically understand whether or not we can
8 lease out a significant number of the buildings.

9 MS. MCGARRY: Sounds good. What the Army
10 did -- just to go on with her point -- is they came up
11 with four categories for the CERFA document or EBS.
12 They said, "We're going to tell you about CERFA
13 parcels, CERFA qualified parcels, CERFA disqualified,"
14 and CERFA excluded was the last one. There were four
15 categories. What we looked at and concurred to was
16 CERFA and CERFA qualified.

17 And the reason why they qualified it as
18 CERFA determination was because of asbestos and
19 lead-based paint primarily, because there was still
20 some safety issue there, a hazard; they hadn't done
21 their surveys or their process or they knew that there
22 was fryable asbestos and they wanted people to know
23 that this was "CERFA clean, but we don't want to
24 mislead you, there's still a safety issue there."

25 So, she's right. We didn't approve the

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1 whole document because of time lines especially. We
2 were lucky we could get our responses out in the time
3 allowed just on the CERFA determination. And there was
4 a deadline. They had to get it by April 19th, so we
5 were in a rush just trying to look at those parcels.

6 BOARDMEMBER REINHARD: I have a question,
7 and a little bit to tag on the question of what
8 Jennifer just mentioned. Just as an exercise, can I
9 assume from what you said that as part of your process
10 at a minimum what you did was there's some -- somebody
11 could go and get, like, an overlay and say that at
12 least those areas where contamination was found,
13 according to the RI Report none of those were, as you
14 say, qualified, because at least in those areas of the
15 RI were. So that exercise, at a minimum, was done,
16 right?

17 MS. GROVE: Right.

18 BOARDMEMBER REINHARD: Okay. That was my
19 first question. Then my second question was -- you
20 know, I was following you pretty clearly up until what
21 Jennifer was saying. How could there be a finding of
22 suitability for lease for a disqualified parcel? I
23 mean, if it's disqualified, that means it has not yet
24 entered that -- well, I get you're not even using that
25 term, "finding of suitability," but is that right?

1 There's no such thing as a disqualified parcel which is
2 -- am I right? There's no such thing as a disqualified
3 parcel that has the checkoff "able to transfer"; is
4 that right?

5 BOARDMEMBER BUCK: That's not true. In
6 order to disqualify a parcel, if you had a can of paint
7 on a shelf in your basement, that would disqualify a
8 parcel. That doesn't mean you can't transfer. Or
9 there's an underground storage tank, just the presence
10 of that tank there disqualifies the parcel.

11 BOARDMEMBER REINHARD: Yeah, but I thought
12 you said that CERFA was a law, and that's the way I
13 understood it always, which said that the only things
14 that go over are those where there has been no storage,
15 no release or no disposal. So if there has been
16 storage, release or disposal, then you couldn't
17 transfer it.

18 BOARDMEMBER BUCK: That's not true.

19 MS. GROVE: It has to do with basically a
20 kind of certification from the state that what you'd be
21 able to rely on in the private sector and community to
22 say the state has looked at this building and there has
23 been no storage or disposal or release of hazardous
24 substances.

25 However, it might be qualifying. It might

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1 have asbestos; it might have lead-based paint. And
2 you'd be given that information. But you can rely on
3 the fact that the state has certified that that
4 particular CERFA parcel has been cleared of any stored
5 release that should cause you a problem.

6 As a disqualified parcel, what John is
7 saying is to some parcels all it is is an underground
8 storage tank that made it disqualified, that kicked it
9 out of the system and didn't give you the
10 certification. But you, with your attorneys, could go
11 in and find out basically that all that perhaps the
12 problem was was an underground storage tank, and so
13 there really is no other problem.

14 There is another kind of universe of
15 buildings and universe of problems in which it's more
16 than a storage tank. It's a different release. It
17 hasn't been fully quantified yet, and there is no
18 program that that particular building falls into,
19 either a remedial process or supplemental sampling
20 plan, or be what it may.

21 BOARDMEMBER REINHARD: So you could be
22 disqualified, but as long as you know the limits of the
23 problem, the storage, release or disposal, you can
24 still go forward is what you're saying.

25 MS. McGARRY: Yeah. I may have misled you

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1 earlier.

2 BOARDMEMBER REINHARD: I see. I thought it
3 was that you had to be qualified to get transferred.

4 MS. McGARRY: To get transferred, no.

5 BOARDMEMBER REINHARD: Then as Michael's
6 hypothetical attorney -- by the way, I'm not an
7 attorney. I don't claim to be, although I do work in a
8 law firm and I don't hesitate arguing with people about
9 legal matters.

10 One thing I would say is that I don't think
11 a reputable or good attorney would ever read a document
12 regardless of who certified it, the State of California
13 or John Buck -- who I have a lot of respect for -- and
14 say, "Gee, you don't need me." I mean, every document
15 needs to be examined for its merits and, you know,
16 examined critically.

17 What you're kind of telling me is that when
18 this comes up, people should be aware, especially the
19 things Jennifer is mentioning. And as a reuse
20 specialist, I'm just wondering whether you could talk
21 about has the state done anything outside CERFA to
22 facilitate a little bit more the problem that Michael
23 is getting at. What about the limits of these
24 documents? Is the state doing anything other than to
25 help or use?

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1 I know there's various pieces of
2 legislation, speed up or use, but I think those mainly
3 apply to bases going over to the private sector.
4 Either legislatively or otherwise, are there other
5 things that are going to help in the outside CERFA
6 issues about transfer or reuse here at the Presidio?
7 MS. MCGARRY: Well, I'll tell you, what I've
8 been busy doing lately is reviewing EBSs for transfers.
9 The military is supposed to consult with us on any
10 transfer or deed that takes place. So what they do is
11 give us their base-wide and say this is sufficient for
12 this transfer or release and they do what they call a
13 site-specific EBS, a parcel-specific EBS. And we've
14 been very busy commenting on those.

15 We also asked to look at their use
16 restrictions. We want to make sure that there's no
17 access to areas which might pose a threat to the user,
18 and we also are concerned with any interference with
19 mediation activity. So, yeah, we will be doing that,
20 not with Presidio, but with Fort Ord, especially.

21 BOARDMEMBER REINHARD: Is there something
22 you can do at the Presidio or is the state not --

23 MS. GROVE: This all comes up because of the
24 Environmental Restoration Subagreement, which is
25 Subagreement No. 7. And basically what -- I don't even

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1 want to go into the details; it's very specific. And
2 if you haven't read the Department of Defense
3 guidelines, it's going to be hard for me to explain to
4 you exactly the system, but let me try and summarize.

5 The Department of Interior and the
6 Department of Army agreed that what would be provided
7 to them was an Environmental Baseline Survey done in
8 accordance with Section 3B of the finding of
9 suitability to lease provision. Now you might ask what
10 3-B is. 3-B is the investigation section of a finding
11 of suitability to lease.

12 There is a difference between an
13 investigation under a CERFA, because the objective is
14 different. The objective of CERFA is to find and
15 identify clean parcels. The objective of FOSL is to
16 find and quantify and qualify the extent of
17 contamination for the finding of suitability to lease.

18 There's been a problem here in
19 interpretation between the Department of the Interior
20 and the Department of Army. We're trying to work out
21 to ask specifically for buildings that have been
22 disqualified and need further documentation to ask the
23 Army to provide site-specific environmental Baseline
24 Surveys. That's where we are right now. We haven't
25 met with the Army. We need to provide that

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1 supplemental information, but that's the stage that
2 we're at.

3 So, we're hoping the Army will work with us
4 on providing that documentation so we can put those
5 buildings into the community's hands and the specific
6 information in order to lease. Without it, it will
7 become difficult for the parcel and they will have to
8 conduct their own Environmental Baseline Survey for
9 each building.

10 BOARDMEMBER REINHARD: Well, like, just
11 picking up on John's can of paint example, you're
12 saying, you know, there's a can of paint there but you
13 don't know whether it tipped over.

14 MS. GROVE: Exactly.

15 BOARDMEMBER REINHARD: Let's make it a big
16 can of paint -- but that's basically what you're
17 saying.

18 MS. GROVE: There's an example of this is a
19 building, Building 1064. If you read it, it says there
20 was storage; there was release; and there was an
21 underground storage tank. But if you look at the
22 references that are supposed to provide you the next
23 documentation on what happened to that building, all
24 you get is a reference to an investigation but no
25 remedial efforts, no subsequent effort as to what

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1 happened to that building. If it had a release and it
2 had an underground storage tank, there should be
3 references to what happened to those situations, but
4 there's not.

5 So, we need the follow-up information.
6 We're working with the Army to try and get that
7 information. It might be that it needs to be in a
8 site-specific form. And we have not received from the
9 Army a copy yet of the investigation report under
10 CERFA, which would be helpful to facilitate this
11 discussion. But we're hoping to bridge this gap in a
12 week or so.

13 BOARDMEMBER REINHARD: And are you wondering
14 whether some of these buildings or locations should be
15 in the RI but are not now?

16 MS. GROVE: I'll defer to the Park Service
17 on that in terms of the technical works, but it's
18 always a concern.

19 BOARDMEMBER REINHARD: So it's a comment on
20 the Remedial Investigation possibly.

21 MS. GROVE: Yes.

22 BOARDMEMBER MARTE-BAUTISTA: So you're
23 really on task to find these things.

24 MS. GROVE: Yes.

25 BOARDMEMBER MARTE-BAUTISTA: So does that

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1 mean that we as the Committee should not be too
2 concerned, not to look for this any longer, or this is
3 now on your court, so to speak?

4 MS. GROVE: I think in terms of the decision
5 on what document is going to be forthcoming between the
6 Park Service and the Department of Army, that's kind of
7 inner-agency decision on what's agreed to. I think
8 you're able, as the public, to comment on that and to
9 discuss it as you might like to do and to have all the
10 information there to understand the type of
11 environmental documentation that we provided to the
12 Presidio. And if you have a problem in terms of reuse
13 or anything else to do with the community, you should
14 feel free to comment on that to the Army and let them
15 know the issues. But, again, in terms of the actual
16 decision of the document that will be coming out, we
17 will be deciding that as the two federal agencies.

18 BOARDMEMBER ROSSI: Please, I think we're
19 getting way down in the weeds. May I just make a
20 suggestion and try to maybe clear up a little bit of
21 the fog which I think you created, with all due
22 respect? You mentioned in your prelude that you're not
23 sure what instrument of transfer will be used, but it's
24 not a deed and therefore that kind of says, "Well, tell
25 me if it's not a deed, if it's not a lease, what is it?

1 Is it a permit? Is it a "here it is, goodbye," you
2 know, pat on the back? What is it?" We don't know
3 that, and I think you don't have a source for what that
4 is.

5 But what I do know for the purpose of this
6 particular body -- and I think to support what we
7 brought up at the last meeting which was, is it in our
8 charter to review environmental documents that affect
9 the transfer -- remember that. If that is within our
10 charter, then let's first specify what those
11 environmental documents are. And there seems to be
12 some confusion here.

13 I can shed a little bit of light with
14 respect to -- you mentioned the subagreements, not
15 there are "some" subagreements, specifically there are
16 seven, four of which actually were signed in 1992.
17 One, the fifth one, is only five of the seven, was
18 signed on 18 May, 1994 which is the Environmental
19 Subagreement that Jennifer is referring to.

20 Those subagreements are very specific,
21 despite what you might have heard with what how we
22 transfer and so forth. Subagreement No. 4 deals with
23 the transfer of property, both real and personal, from
24 the Army to the Park Service. It is very detailed and
25 very specific as to how that will be done in accordance

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1 with federal property management regulations, in
2 accordance with an Army regulation that describes the
3 instruments, the package, how it would look and so
4 forth.

5 Without us getting into a legal argument,
6 "Well, is that a deed? Is a deed a deed? Is the Army
7 equivalent of a 1354 a deed or not a deed," well, you
8 know, forget about that. The subagreement is very
9 specific telling you how to do it and what to do.

10 Furthermore I have in front of me -- most of
11 you should have -- Subagreement No. 7, and I'm just
12 going to read two extracts. First is in the preamble.
13 And these are just the ground rules so we know what
14 we're playing by. It says:

15 "Whereas the parties agree" --

16 And these are the parties, the DA and DOI:

17 " -- that they will comply with

18 all applicable requirements for
19 the environmental restoration of
20 the Presidio including applicable
21 law and executive orders, and any
22 requirements established by the
23 FFSRA and this subagreement."

24 Now, we know that the FFSRA has not yet been
25 signed. But be that as it may, we have this agreement,

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1 and this agreement has been signed. And there's
2 another part in there, the one Jennifer was referring
3 to, which is very short, very clear. So, without us
4 getting all mixed up, the rules are there. Without
5 getting into an argument what the Army thinks or we
6 think -- we can read English, and if we need some
7 interpretation we'll get the lawyers and we'll fight it
8 out. They will get the lawyers, not me.

9 And it says the CERFA, which is what you're
10 talking about:

11 "The Army will provide DOI with
12 copies of its draft and its final
13 prepared CERFA pursuant to the
14 CERFA."

15 Then it says 42 U.S. Code empty umpt, for
16 the Presidio, which I guess is what we're going to do,
17 right?

18 BOARDMEMBER BUCK: CERFA? That's long
19 passed.

20 BOARDMEMBER ROSSI: Okay. And then it says:
21 "Upon request, the Army will
22 provide DOI with copies of the
23 specific documents and studies
24 referenced in the CERFA Report."
25 Then it says:

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"The CERFA Report summarizes an Environmental Baseline Survey, (EBS,) conducted in accordance with Paragraph 3-B" --

That Jennifer was talking about:

" -- with the Department of Defense's September 9, 1993 policy memorandum regarding the finding of suitability to lease. To the extent that information in the CERFA Report does not comply with Paragraph 3B of the DoD FOSL Policy, the Army will provide the information required by Paragraph 3B to DOI."

Which is what Jennifer was just talking

about. So there's no argument, "what if, maybe." I mean, we just follow it and go from there. Okay?

BOARDMEMBER BUCK: The actual document --

there's going to be a transfer -- I don't know everything in that, but there will be a document in there called Environmental Conditions Assessment which details all the environmental aspects and studies conducted at the Presidio. And I agree with Jennifer, we're going to get together and discuss that transfer

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1 respect to the transfer is really beyond the scope of this particular forum.

MS. GROVE: I was talking about whether or not we would present what type of documentation would be forthcoming regarding the transfer.

BOARDMEMBER ROSSI: That's what I'm saying. I don't think they're in a position at this particular time to even offer that kind -- this is not the body in which I'm sure the Army will want to answer that.

BOARDMEMBER CHAN: In relation to

environmental documents, let me backtrack a wee bit. Because this is neither -- this is a federal thing, it's got the subagreement, whatever's going on here. There would not be a site-specific EBS done because it doesn't fall under the FOSL which would normally be done if there was a transfer on the site that needed qualification; is that correct? If there was a parcel that was normal, normal under CERFA, there would be additional characterization of the site if there was -- at the time of the release?

MS. McGARRY: Well, no. You got parts of it that are right. It's a finding of suitability to lease property, and the DoD guidance talks to the Army, Air Force and Navy about doing an EBS to support a finding of suitability to lease. It doesn't talk to DOI and

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1 document, and as she correctly states, we do have some basic disagreements as to what we need to do to provide sufficient documentation to allow this transfer to go forward. But we do have --

MS. GROVE: Could we agree, then, to maybe make a presentation to the RAB what's been agreed to so we can close this loop and take the documentation that will be provided to the Park Service and whether or not any documentation needs to be provided to the RAB, references or whatever it will be that they might --

BOARDMEMBER BUCK: Right now?

MS. GROVE: Not now, but after our meeting that we have this next week.

BOARDMEMBER BUCK: I'll defer it until I talk to some of our people.

BOARDMEMBER ROSSI: Well that's really beyond the scope and charter of this particular body. In all due respect --

MS. GROVE: To know what was actually agreed upon in terms of environmental documentation?

BOARDMEMBER ROSSI: No. I mean, the focus of this body should be on the environmental process and the environmental documents. Whether or not the Army now agrees or disagrees or even responds to whether or not they're going to offer you some documents with

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1 the National Park Service.

So in the case of Presidio, either the Army agrees through this subagreement that they will do the work that's necessary to make this finding, or the National Park Service, I hear, may have to add to this basic document they did the CERFA document or EBS to come to that finding. And that's something between the two agencies as far as I understand.

Where we come in is that we will consult with them, and that's the authority we have. We can't stop these leases of transfer. We consult and give notice of what our concerns are, and if they're not addressed by these agencies they have to be -- at least in the case of the DoD -- attached to the FOSL so that everybody sees what concerns the regulatory agency has.

BOARDMEMBER ROSSI: And by the way, there is a DoD policy that just came out that addresses the final approved guidance for the FOST, the final, and so where we see FOSL, now if you're doing a transfer you use the FOST.

MS. McGARRY: Right. Depends on what you're doing. It's very similar. And I have copies of all of them if some of you want some. I'm sure the Army has them.

BOARDMEMBER CHAN: So irrespective of who

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1 does the documentation, there will be additional
2 environmental documentation on a site characterizing
3 the hazards --

4 MS. MCGARRY: I would hope they would do
5 that.

6 BOARDMEMBER BUCK: Well, that's what we're
7 going to work out. It's our contention that we have
8 that; the Park Service doesn't believe they have that.

9 MS. GROVE: We're going to work together.

10 BOARDMEMBER HORENSTEIN: As a member of this
11 Board, I wouldn't mind a follow-up presentation, and I
12 appreciate the comment on that. I don't know if letter
13 of the law it's in our charter or not, but it sounds
14 like it's environmental documentation to me, and I
15 think it's an excellent idea.

16 MR. KAO: Maybe one clarification before we
17 move down too far to just follow what Theresa just said
18 -- my name is Chien Kao. I work for the Department of
19 Toxics and I'm the Regional Chief for the cleanup for
20 Bay Area closing base.

21 The word's been used earlier that states
22 "certified" CERFA parcels. I want to clarify what
23 Theresa just said is exactly what law provided, that
24 state provide comments. State does not certify clean
25 parcels. Okay? So, when the Army issues a CERFA

1 document, the state will provide comments. When it's
2 agreed, Army will incorporate those comments into the
3 CERFA document. If it's not, the comments simply get
4 attached to the document.

5 BOARDMEMBER ALEXANDER: So are you saying
6 that an agency could do an inadequate job, that the
7 state would come in and comment on it and say, "This
8 job is inadequate," and that would be the end of it,
9 that we would simply be attaching comments of
10 inadequacy to an inadequate job?

11 MR. KOW: That's what the law provided right
12 now.

13 BOARDMEMBER CHAN: Is there a permit?

14 MR. KOW: No.

15 BOARDMEMBER ALEXANDER: I want to get back
16 to real life, if I can. Real life? Real life is that
17 it is in the interest, I think, of every member of this
18 Board, certainly of the City of San Francisco and I
19 think of the United States, that the Presidio as a
20 national park be a success. And that success is
21 dependent upon the availability to lease buildings to
22 appropriate rent-paying tenants. If those buildings
23 can't be leased, this park fails.

24 What I'm hearing is from a number of
25 different sides, and I don't understand why I'm hearing

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1 this, that the agencies all seem to be working to the
2 letter of the law as they are having the law read to
3 them or as they understand the law. But I'm not sure
4 that what I'm hearing here is the proper focus on the
5 goal, which is make these buildings leasable. Now, I'm
6 beginning to suspect that the reason is money. And,
7 John, maybe you can enlighten me on this. Why not
8 provide all the documentation that DOI wants?

9 BOARDMEMBER BUCK: Well, like I said before,
10 we think in many cases we've answered the bill.
11 Jennifer is saying they don't agree to that, and that's
12 what we're going to have further discussions on.

13 BOARDMEMBER ALEXANDER: Okay. But if
14 there's any question about having an adequate
15 documentation and inspection and remediation in order
16 to make a building leasable, leasable to a new tenant,
17 isn't that in all of our interests for that to happen?

18 BOARDMEMBER BUCK: I would agree with that,
19 and like I say, I think we're fitting the bill. We're
20 using CERFA Reports in other locations to lease
21 property. And they're saying they believe there is
22 some data gaps, and we're saying we don't see those
23 data gaps, but we're agreeing to sit down to discuss
24 this.

25 MS. GROVE: I do think it's a bit premature

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1 to say there's not a meeting of the minds yet. I have
2 not spoken with all the people at both the Army Corps
3 of Engineers, the Environmental Center, nor the JAG
4 office and say, "What exactly are you going to provide
5 us as to these particular buildings we have a concern
6 about?"

7 So this may actually be solved in the next
8 couple of weeks in terms of what's provided to us. And
9 all I was trying to say earlier is if we are concerned,
10 if RAB is concerned about what is going to be provided
11 or what type of environmental documentation you may end
12 up reviewing ultimately, we could come back after this
13 meeting and let you know what that is, or give input to
14 that.

15 But right now as it stands, the Department
16 of Interior is hopeful that the Department of Army will
17 work with them in trying to provide enough
18 documentation to assist in the finding of suitability
19 to lease so that we can move forward and put the
20 property into the community's hands. That's the idea
21 here.

22 BOARDMEMBER ALEXANDER: Then I'm going to
23 make a comment to the Army, and I invite other members
24 of RAB who share my view to join me in this comment --
25 not that we're voting, but that the agencies, DA and

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1 DuI, negotiate with the end purpose in mind that what
2 is needed in every instance, for every site, for every
3 building, is what will satisfy a perspective tenant
4 that the tenant's liability for environmental problems
5 in the building is covered, and that the responsibility
6 for cleanup is clearly established. Because what I'm
7 also beginning to hear here is a little question about
8 -- well, despite the fact that for four years the Army
9 has always said, "We're responsible for whatever
0 pollution takes place here," I'm now beginning to hear
1 that on October 1st somebody else might be liable and
2 that if additional documentation is required, that
3 might fall on the Park Service's bill.

4 BOARDMEMBER BUCK: I don't know where you're
5 hearing that. The Army hasn't committed to a cleanup.
6 So, whoever is telling you that is just not telling you
7 the facts.

8 BOARDMEMBER ALEXANDER: No, I'm saying that
9 what I'm sensing here is that -- and please excuse me
10 if I'm wrong, but I'm not so sure I'm -- that after
11 September 30th we develop a gray area about who is
12 responsible. If pollution is identified later, that
13 what hasn't been identified up to now because there was
14 no site-specific EBS done on a building, there may be a
15 question about when that problem was created and

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1 begin negotiating with the Army over their differences.
2 At that time when information becomes
3 available to Jennifer and to Martha -- they've already
4 said that they will be willing to present that to this
5 body so that we can review the environmental documents
6 relating to the transfer if, obviously, those
7 conditions which Mr. Alexander, of course, clearly
8 articulated may exist, do exist or potentially will
9 exist. So, we can look at that. At this time tonight
10 we can't do it.

11 BOARDMEMBER REINHARD: I have a separate
12 comment. I'm concerned with what Jennifer was saying
13 before about disqualified buildings, that there may be
14 somewhere it's not known whether a release occurred.
15 And picking up on what Arnie is saying, does it have to
16 do with restoration -- the way I see it has to do with
17 restoration, this environmental documentation dispute,
18 is this: What I want to know is, is the RI, the
19 Remedial Investigation for the main installation and
20 the other documents which do remedial
21 investigation-type surveys, like, for tanks, are those
22 documents sufficient?

23 And what I'm hearing is that to the extent
24 that some areas may be unknown yet or haven't been
25 looked at, that should be one of the consequences. If

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1 therefore who's responsible for it.

2 That could be a gray area about
3 responsibility, which is beginning to cut into the
4 Army's arguments over the years that they will always
5 be responsible for whatever pollution takes place at
6 the Presidio.

7 MS. MCGARRY: I need to get off. You guys
8 can go to midnight and I know. I'm not in that much of
9 a rush to leave, but I wanted some of you to be able to
10 go home before midnight. There's one more question
11 over here.

12 BOARDMEMBER LOLLI: As a business person,
13 this question needs answers. Who makes the answers?
14 Who gives us the answers?

15 MS. MCGARRY: Well, I think we've heard some
16 of the answers tonight, that they're working on
17 finding --

18 BOARDMEMBER ROSSI: Somewhere the buck has
19 got to stop someplace.

20 BOARDMEMBER ROSSI: The transfer document
21 that Jennifer was referring to has not yet been
22 formally presented to the Park Service for review.
23 When that happens, which I believe now is set for next
24 week, the Park Service then will have an opportunity to
25 review it, and then it's at that time that they will

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1 we find out that there was a spill there or that it
2 hasn't been investigated, those documents as a second
3 step also need to be revised, is my comment or concern.

4 I would like for Michael's standard to be
5 the standard, but I despair that it's legally possible
6 to make the Army investigate to the extent of, as you
7 say the standard is, to make a tenant feel comfortable
8 that they have no liability. I wish I knew how to make
9 them do that, but I don't know that I can. But what
10 I'm saying is maybe there's a way to get at that issue
11 if, at a minimum, we make sure that the RI documents or
12 the documents for investigating the tanks reflect any
13 additional spill or contamination areas that we don't
14 yet know about or have not yet called, those areas.

15 So, whatever environmental documentation
16 that you work out, I want to make sure that the extra
17 information goes into the RI. That's my comment.

18 MS. MCGARRY: I guess for me to close, I
19 just want to clarify one thing. CERFA did say that the
20 states had the opportunity to concur, but it was only
21 with the uncontaminated property. If you have property
22 that has had some spill or for some reason didn't
23 qualify as a CERFA parcel because it's had storage,
24 releases or disposal -- could have been paint cans or
25 whatever -- in that process we consult. So when they

1 do their EBS for that piece of land that they're going
2 to lease or transfer, then we consult with them. And
3 then if they don't address our comments they attach
4 them to the document.

5 But our experience has been that the
6 military is also doing a reality check and realize that
7 politically they want to make the reuse happen, and
8 that they realize that if the state has a list of
9 issues, or EPA has a list of issues, nobody is going to
10 want that property. So I think our experience has been
11 that the military is trying to deal with the regulatory
12 issues regarding these EBSs that are being done for
13 lease and transfers.

14 BOARDMEMBER GIRARDOT: Can I ask a question?
15 If this were not a federal-to-federal transfer but a
16 federal-to-private or to the state or whatever, that
17 your comments would not just be comments, you would
18 have some regulatory authority in that instance, or is
19 it the same?

20 MS. MCGARRY: Same thing, except for CERFA,
21 where we have a little more teeth, because that's
22 identifying uncontaminated areas. We are in a
23 consultative role. So is EPA.

24 BOARDMEMBER BAXTER: And my other question
25 was, in the four types of parcels, CERFA clean,

1 qualified, disqualified and excluded, I'm not sure what
2 excluded is.

3 MS. MCGARRY: I think it's areas where they
4 had transferred to somebody --

5 BOARDMEMBER BUCK: Or they might not be
6 transferred.

7 MS. GROVE: There's none here.

8 MS. MCGARRY: But there's a number of things
9 that we're doing at CALEPA that talks to try to
10 facilitate reuse. You've asked that question, and I'm
11 not going to go into it now because I realize I've
12 taken all your time up here. But one of our jobs is if
13 there are any environmental issues related to reuse,
14 some things you need help coordinating, maybe with an
15 agency within CALEPA and even outside. The reason
16 people have set up meetings is to bring the appropriate
17 people to discuss some of the issues. Air issues is
18 one where we have had air credit problems; I don't know
19 if that's a thing for the Presidio.

20 But we've called the people to come to the
21 table and facilitate those kinds of meetings because
22 CALEPA is over the Air Board as well as Water Board, as
23 well as the Department of Pesticides or something. So,
24 we are available to you if you need to have someone
25 help you set up some meetings to discuss some other

1 environmental issues that you wouldn't be dealing with
2 in this forum.

3 The last thing I wanted to tell you is there
4 is a public comment period on these EBSs and FOSTs and
5 FOSLS; at least DoD policy says you're going to give 30
6 days or something to the community to comment on this
7 finding of suitability to lease or transfer. Now, when
8 it starts getting with the National Park Service, I'm
9 not sure how exactly --

10 MS. GROVE: The Army has not agreed to do an
11 actual FOSL, finding of suitability of lease, which has
12 a public comment period. They've only agreed to
13 provide an investigation in accordance with that FOSL
14 policy. So, it's not a full FOSL. If you are in a
15 different situation, if it was a private to Department
16 of Defense transfer or Department of Defense lease to a
17 private entity, there would be either a finding of
18 suitability to transfer document with public comments
19 and/or a finding of suitability to lease, which would
20 be a much more detailed document.

21 MS. MCGARRY: I guess the actual Park
22 Service could create that policy, get the document,
23 make sure it's available. I mean, I don't think it's a
24 big deal to make the document available to the public.
25 We don't have to hold a public meeting, but publish

1 notice of it in a newspaper, let people know that these
2 documents are out here, that you're going to use it to
3 lease to a building, and let people who are interested
4 look at. There might be some people from the RAB, but
5 I don't know if it's this forum. Anyway, that's a
6 decision that the National Park Service would have to
7 make.

8 BOARDMEMBER ROSSI: I must state, though,
9 I've been in this business quite a while. I'm a base
10 transition coordinator. You said at the beginning, and
11 once again, you're alluding to while this is a
12 federal-to-federal and therefore it's different, that's
13 the first time that I have heard that. I know it's a
14 federal-to-federal; that's obvious. But all of the
15 meetings, all of the training that I've attended, they
16 didn't say, "This applies, except you, Presidio; you
17 shut up and go outside; this doesn't apply." Nobody
18 ever said that.

19 Besides that, we have very specific
20 subagreements that tell us how to do it. So, I don't
21 think we ought to take the venue that, well, this is a
22 federal-to-federal and therefore all of those other
23 rules don't apply. The rules are specified in the
24 subagreement, so all we have to do is follow them. And
25 that, for the federal departments, is tantamount to law

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1 or policy that we have to comply with. They have been
2 agreed to by the secretaries of the department, so, we
3 have to follow them. How you interpret the policy is
4 where the argument may come in, but that's an internal
5 problem. We are not inventing rules for transferring
6 problems. The rules are specified in subagreements.

7 MS. MCGARRY: Does it talk about public
8 comment?

9 BOARDMEMBER ROSSI: It doesn't have to if
10 you refer back to the applicability of the policy to do
11 a FOSL. So, if you have to do a FOSL, then you follow
12 the rules of a FOSL. If a FOSL requires a 30-day
13 period, then you have to do a 30-day period. It does
14 not need to be spelled out expressly in the
15 subagreement, because the subagreement simply refers
16 that's what you will do. And the preamble also said
17 you will apply all federal law.

18 MS. MCGARRY: That's great news.

19 BOARDMEMBER BUCK: There may be some
20 disagreement as to -- this is not a FOSL.

21 BOARDMEMBER ROSSI: I'm not saying that is,
22 but I'm saying we can argue over this is not a FOSL but
23 a FOST, or it's something similar to it. All I can do
24 is read English. That's all I'm saying. The
25 subagreements were signed.

1 MS. MCGARRY: Okay. Well, thank you.

2 FACILITATOR BUFFORD: Thanks, Theresa. And
3 I think the concern was after the meeting with the
4 Department of Interior and the Army that they will come
5 back and we'll have more discussion on this item. That
6 took a little bit longer than we had anticipated on the
7 agenda, and last week our transcriber got a little
8 tired. So, we'd like to take about a ten-minute break
9 and go to Item 2.

10 (Recess)

11 FACILITATOR BUFFORD: The next item on the
12 agenda?

13 BOARDMEMBER WILKINS: Last Thursday we had a
14 workshop given by the technical managers for the
15 Presidio governing the Public Health Service Hospital
16 area. At this time we would like to welcome and open
17 up the floor to any particular issues that the
18 community members want to present with regard to the
19 Public Health Service Hospital area, but first I would
20 like to allow the Park Service representative to the
21 Board to give a short presentation on the Park
22 Service's concerns or issues about the Public Health
23 Service Hospital area.

24 FACILITATOR BUFFORD: And that person is
25 Roberta Blank from the National Park Service.

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1 BOARDMEMBER BLANK: Thanks, Shirley. I know
2 a lot of you were at the meeting on Thursday, but I
3 don't think everyone was there; is that correct? There
4 are some people who haven't heard this before? As
5 everyone should know, we're at the start of a 30-day
6 public comment period for cleanup at the Public Health
7 Service Hospital, and I'm assuming everyone knows where
8 that is.

9 At the last meeting I raised a concern that
10 the Park Service has about this, and the reason I
11 wanted to bring it up early on in the comment period is
12 because the document that the comment period is based
13 on, the Remedial Action Plan, has a set of alternatives
14 in it for cleaning up this area. The alternative for
15 one of the areas, Landfill 8, which is a natural area
16 occurring above the Public Health Service Hospital, is
17 something that we're concerned about, and that's the
18 capping alternative.

19 So, we've been trying to think about some
20 other alternatives that work for us in that area, but
21 they aren't part of the Remedial Action Plan. What I
22 want to do is kind of give people something to think
23 about in their review, to think about whether there are
24 other alternatives other people would support, or would
25 support the Park Service in thinking about. What I've

1 done here is kind of raised the reuse issue focus for
2 cleanup. I wanted to ask Theresa this, but I think
3 she's gone.

4 MS. MCGARRY: I'm here.

5 BOARDMEMBER BLANK: Oh. It's my presumption
6 that the reason RABs were formed in part was to address
7 reuse issues, that for other federal facilities that
8 aren't closing and for other Superfund sites that
9 aren't federal facilities there are no RABs. Is that
10 correct, that they are something formed specific to
11 closing bases?

12 MS. MCGARRY: Closing bases, but as I
13 understand it, there will be -- probably going to set
14 up RABs for open bases as well.

15 BOARDMEMBER BLANK: Okay. I guess I see one
16 of the roles of the RAB -- and I know one of the roles
17 of the Park Service, is we look at future uses of the
18 area when you're considering cleanup. The Park Service
19 is just coming out with its Final General Management
20 Plan Amendment for the park which lays out all of the
21 different areas of the park and what the Park Service
22 plans to do with them.

23 And for this particular area, the Landfill 8
24 and Public Health Service Hospital, these are the
25 Management General Plan objectives. It's going to be

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1 an education and conference center, in fact, a
2 residential one where people would come and stay.
3 There's going to be preservation of the historic
4 buildings that are there. There's going to be pavement
5 removal and removal of non-historic buildings. There's
6 going to be a commemoration of the merchant marine
7 cemetery that is, in fact, underlaying the Landfill 8
8 area. And then the main thing in this talk tonight is
9 to protect and enhance native plant communities in the
10 area.

11 It's kind of unbeknownst to the Park
12 Service's botanists who were going ahead and working on
13 developing a restoration program for the native plants
14 in this area, was this development of a cap to cleanup
15 the landfill -- check the groundwater from the
16 landfill. So when we found out there was going to be
17 this cap, we took the botanists out to the site and
18 said, "There's going to be a cap there; what do you
19 think of it?"

20 They were really surprised and they were
21 very concerned because they said, "Well, we have this
22 restoration action plan for this area involving
23 enhancing and expanding endangered species habitat.
24 There is a state listed and federal candidate
25 endangered species called lessingia and a federal

1 candidate called the spine flower and an associated
2 plant community that is needed to support these
3 communities. There's also wetland habitat at the site.
4 The Park Service plans to revegetate the
5 area, to recontour it to enhance the establishment of
6 the -- to weed out non-native plants and that kind of
7 thing, and to remove the parking lot that's next to the
8 landfill and expand habitat across where the landfill
9 is and onto this parking lot.

10 So, we met with the Army cap designers to
11 try to talk about whether it was possible to design
12 this cap in a way that we could go ahead and still
13 implement these plans. And what we came up with were
14 what appear to be significant impediments to doing
15 that. It's based on the limits to the topography and
16 the soil that you can have with a cap because a cap has
17 a fairly steep slope to it and it can't support what
18 what they call hummocky terrain, very undulated terrain
19 comes out of that kind of slope. Also the plants have
20 regrouped and they go about seven feet deep, and the
21 cap can't be penetrated by the plant groups. Also the
22 plants need water --

23 BOARDMEMBER ALEXANDER: Excuse me. You said
24 a pretty steep slope; 30% slope?

25 AUDIENCE MEMBER: I think that's an error.

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1 It's 3%. That's an error.

2 BOARDMEMBER BLANK: Anyway, the botanists
3 determined that this slope was not adequate to support
4 the kind of dune community that they need for their
5 plants, and also the fact that the plants need water,
6 and the purpose of the cap is to keep water off the
7 landfill. So, you don't really want to encourage the
8 kind of plants that need water in such an environment.
9 Basically in terms of the alternatives, the
10 Army's Remedial Action Plan looks at the cap,
11 institutional facilities, which would be something like
12 fencing or deed restrictions, and no action. What we
13 started to look at was was excavation possible,
14 including was a hot spot or surface soil excavation
15 alternative possible.

16 And then other alternatives that have come
17 up in discussion with the Army is a long-term
18 groundwater monitoring alternative with no cap or no
19 excavation possible.

20 MS. McGARRY: There is a screening of
21 technologies that include excavation. It just wasn't
22 screened out earlier in the process. So in our FS we
23 do look at those technologies and then do one screening
24 and then assemble alternatives. So, there is some
25 discussion about it.

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1 BOARDMEMBER HORENSTEIN: You may not have
2 looked at the consequence of the cap, though, in the
3 screening of the alternatives.

4 MS. McGARRY: The Management Plan wasn't out
5 when we did that.

6 BOARDMEMBER BLANK: The issues sort of
7 evolved more since they originally did there keep. I'm
8 just saying that now the Park Service is reopening this
9 issue of alternatives, but you're getting a plan that
10 doesn't include any of these other alternatives. And I
11 want to make people aware of that, that we're in the
12 process of having these discussions with the Army and
13 the regulators about what else could be done out there
14 to accommodate the use for the Park Service.

15 BOARDMEMBER REINHARD: Responding to what
16 Elizabeth just said, although it is true that the Army
17 looked at excavation in their screening alternatives,
18 what they looked at is not what Roberta is saying as
19 one example of hot spot removal. They looked at the
20 alternative of excavating the entire landfill. And the
21 Presidio Council has submitted comments -- well, first
22 of all, orally, over nine months ago; in writing, four
23 months ago where we also advocated the idea of looking
24 at hot spot removal on a cost effective basis.

25 And during the time when the Feasibility

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1 Study and RAB could have been revised to think about
2 those things, I do not see any examination of the costs
3 or the feasibility or the idea of doing what Roberta is
4 saying is one of the alternatives.

5 BOARDMEMBER BUCK: Can I inject something
6 here?

7 BOARDMEMBER BLANK: Can I say something too?
8 My intention in raising this issue is not to say that
9 the Army -- I mean, regardless of what you're saying,
10 which is something I wasn't aware of -- should have
11 done it differently than how they did it. They were
12 under constraints imposed on them by the regulators to
13 do certain things a certain way too. I'm just saying
14 that it's maybe unfortunate that it's coming out at
15 this time kind of late in the process, but that's just
16 where we are. I'm not placing blame on anyone for
17 having done an improper analysis, either, but I think,
18 you know...

19 BOARDMEMBER CHAN: I have a question about
20 the RAB's role in this in terms of if this situation
21 comes up and we see the alternatives presented by the
22 Army and the RAB comes to what are quote, "consensus"
23 about the fact that none of the alternatives appear to
24 be appropriate for the reuse that's planned for the
25 site, what does RAB do then? Can we look at other

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1 alternatives and suggest them back to the Army?

2 BOARDMEMBER WILKINS: That's what your
3 purpose is here. Your purpose is to provide it to the
4 BCT. So, yes.

5 BOARDMEMBER HORENSTEIN: I would even like
6 to suggest that after your presentation we expand on
7 that question and really discuss how our comments go
8 forth and what that process is.

9 BOARDMEMBER BLANK: Well, that's really all
10 of my presentation. I was just going to make one other
11 point, is that this landfill is a little different than
12 some landfills. It's volume isn't huge, so it's the
13 kind of landfill you might talk reasonably about some
14 kind of excavation alternative. There is a lot of
15 debate over that subject, but it's about 13,000 cubic
16 yards. And it's not that steep. But, you know, that's
17 something we're still talking about the feasibility of.

18 BOARDMEMBER ALEXANDER: John Buck was going
19 to make a comment. I was interested in his comment.

20 BOARDMEMBER BUCK: As far as I'm concerned,
21 one of the things up there was this concept of hot
22 spots. First of all, we haven't identified any hot
23 spots. Two, in a landfill, it's a heterogeneous
24 mixture of materials, and to characterize it to a level
25 that would identify hot spots would require a

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1 tremendous amount of effort, sampling. What's to say
2 you have a sample here and three feet to the left there
3 isn't a true hot spot? How could you ever determine
4 that in a landfill? In fact, usual technique is not to
5 make that effort. It hasn't been proven cost effective
6 or warranted. So, you know, people that -- the concept
7 is that it's a hot spot even out there, I personally
8 would dispute.

9 BOARDMEMBER BLANK: Well, our hot spot, we
10 were calling it hot spot, but I think what we were
11 thinking of more was a surface soil contamination
12 removal, because if you look at the data and pretty
13 much what's documented as contamination in the RI as
14 pesticides in the surface soil, even though they still
15 didn't drive the risk very much. So we're saying if it
16 makes sense to remove something, it wouldn't make sense
17 to remove that contamination since it was the only
18 contamination really detected. And we weren't thinking
19 you would go in and look for deeper hot spots
20 necessarily, but that's something we should discuss as
21 well.

22 BOARDMEMBER REINHARD: Yeah, well, the term
23 "hot spot" is not a legal word in any sense, but I
24 think it's a word that we all use for convenience. But
25 I think what we meant by our comment is a little bit

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1 consistent with what Roberta was just saying. Still,
2 like I say, there's no response.

3 The comment that we made was not made late
4 in the day; it was made many months ago. And I do
5 understand that the Army says that when you look at the
6 same thing I looked at, or that you presented to us,
7 you don't see what I see. But we don't need to use the
8 word "hot spot" to get at an analysis of whether
9 removing the top foot of soil or some limited amount is
10 something to evaluate.

11 It's different than looking at an evaluation
12 of excavating the entire landfill, which I admit is an
13 intimidating, costly and perhaps unnecessary
14 alternative to look at under a full analysis. But it's
15 not an intimidating task to look at the idea of
16 removing something along what Roberta was saying, less
17 or more, because it's a volume of material that, you
18 know, is not formidable which could be disposed of less
19 cleanly than a lot of other scenarios.

20 All we were saying is that it should have
21 been another issue worked up in the analysis to compare
22 with those of the cap and the institutional controls
23 and no action. There's no reason why it should not
24 have proceeded to full analysis. We don't need to get
25 hung up on the word "hot spot" in order to do that

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1 because, like I say, "hot spot" is not a legal term.
2 It's enough that there is contamination there that
3 could be cost effectively dealt with.

4 BOARDMEMBER BLANK: I'd like to make another
5 point, too, and that is that when you're reviewing the
6 RAP, and if you look at any of the supporting
7 documentation for the site, one of the things we talked
8 about last time a lot was data, whether there was
9 enough data. But if you look at the data that exists,
10 the site -- it's not a terrible site in terms of
11 contamination. And it's kind of one of those things
12 that the cap is there -- there hasn't been documented
13 groundwater contamination. The cap is there to prevent
14 that from ever happening, but we don't really know
15 whether that would ever happen.

16 What I see is that we're willing to destroy
17 a natural resource that exists, with endangered species
18 in it, in a setting that's really kind of pretty, if
19 you've ever been out there, and that has a lot to
20 offer --

21 BOARDMEMBER FUENTES: Can I make a point
22 here? They actually did a survey on where the
23 endangered species of lessingia is at, and apparently
24 it's outside Landfill 8. It's about, I'd say, less
25 than 200 feet away from the edge of the landfill.

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1 depths of the endangered species were, so we couldn't
2 make a decision at that point.

3 I've also heard in the meantime -- although
4 it's a third-hand source -- that plant species that you
5 want to put on top of the dune are deep-rooted, but
6 they weren't the lessingia. They were other ones that
7 were not endangered.

8 BOARDMEMBER BLANK: Right, because lessingia
9 has to grow -- I'm not a botanist, but they're very
10 passionate about this. In order for lessingia to
11 surface it has to surface in an associated plant
12 community that supports it in some way like an
13 ecosystem concept. And it can't just live by itself.
14 It needs these other deep-rooted plants to -- I don't
15 know, give it -- I don't know exactly what they do,
16 they give it shade, or -- so, that was the problem.

17 BOARDMEMBER GIRARDOT: I'd like to ask, are
18 there any risks associated excavation, and if so, what
19 are they?

20 AUDIENCE MEMBER: Well, that's an issue that
21 would have to be looked at in the feasibility analysis.
22 There would be short-term risks like noise and traffic
23 and probably dust and, you know --

24 BOARDMEMBER HORENSTEIN: Primarily it's cost
25 that's probably the issue --

1 BOARDMEMBER BLANK: That's true, but the
2 goal of restoration for an endangered species is to
3 expand the habitat such that you can take it off the
4 list. And if it can only stay in that confined space,
5 then it would really probably never promulgate such
6 that you could get it --

7 BOARDMEMBER FUENTES: I believe part of the
8 remedies to store the plant habitat are there.

9 BOARDMEMBER BLANK: And the problem was when
10 the botanists started talking to the cap designers they
11 felt like they couldn't do that based on what they
12 heard the cap was going to be, and that's how it came
13 about.

14 But I guess, you know, one thing to look at
15 is --

16 BOARDMEMBER FUENTES: I want to add, too,
17 that you need the dune sand in order to restore the
18 plant habitat, and in the landfill we don't have dune
19 sand.

20 MR. HENDERSON: Can I make a comment? I was
21 at the meeting that we talked -- I'm Roger Henderson.
22 I don't have to design it, but I'm going to be the one
23 that's going to have to fix it. We were certainly
24 willing to give you whatever soil that you needed, and
25 at the time of that meeting nobody knew what the root

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1 MR. HENDERSON: Well, not quite, not quite.

2 BOARDMEMBER HORENSTEIN: I said "primarily."

3 MR. HENDERSON: Primarily, right. There are
4 some other hazards associated with that. If we're
5 going to be excavating materials that are contaminated,
6 like Roberta says, we do have air quality issues. We
7 try to do our best, but there is no guarantee that
8 something might get off-site. Somebody could walk by
9 and smell something and say they've been exposed.
10 That's a danger that we are getting.

11 The transporting materials along public
12 roadways -- and I guarantee you it ain't going to be a
13 block and a half we're going to take this stuff. If we
14 reach hazardous levels it has to go all the way down
15 Central California to the Class 1 Landfill. If it's a
16 Class II material, which is not clean but not hazardous
17 material, it's either got to go to Port Costa where
18 they incinerate it or we take it to Forward landfill in
19 Stockton, and that's a long way.

20 So, I just want you people to remember when
21 you read this, these other alternatives have associated
22 costs, and one of them there is pollution from trucks
23 running up and down the highways because we have to
24 export stuff and bring stuff in again. We have worker
25 exposure, not because we're digging up a contaminated

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1 e, rather than just capping it -- capping it we
2 wouldn't disturb that stuff.

3 BOARDMEMBER REINHARD: Well, I find it
4 interesting that you're worried about these
5 contamination risks after telling us there are no hot
6 spots. If you're saying that there are no hot spots or
7 no levels of concern, then why are you pointing to
8 these kinds of risks?

9 MR. HENDERSON: Well, not hot spots as far
10 as -- see, first of all --

11 BOARDMEMBER REINHARD: Which is it? Is it
12 dangerous or is it not?

13 MR. HENDERSON: Will you let me finish,
14 Mr. Reinhard?

15 BOARDMEMBER REINHARD: I'm resting.

16 MR. HENDERSON: We have to take the material
17 off-site, most likely, whether it's -- it's unlikely
18 that anything is, quote, unquote, "clean." We do have
19 very low hits of stuff, right, so it's got to go to a
20 Class II. I can't dispose of that in a muni landfill.
21 It's not allowed. So, there is an exposure. Hot spot
22 or no hot spot, there's some low level stuff there.

23 BOARDMEMBER BLANK: I think it's -- you
24 know, I didn't intend to get into a debate over which
25 way to go with this.

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1 BOARDMEMBER ALEXANDER: That's not the
2 point. The point is for us to debate.

3 BOARDMEMBER BLANK: Well, I guess I just
4 want to make one other point, and that is that if you
5 do look at the data for the site it doesn't have a lot
6 of contamination. So, I think that one of the problems
7 we are running into with the excavation alternatives is
8 that the Army is saying they didn't really feel they
9 had to take an action to begin with because the risks
10 weren't high enough to provide remedy, so why would
11 they go to the extent of actually removing the whole
12 thing. But the capping was, like, a state statutory
13 requirement; they were willing to do that.

14 So, there's some complex arguments involved
15 in how we're going to get to the resolution of this.

16 SUE SMITH: My name is Sue Smith. I'm the
17 Native Plants Society Conservation Chair of Presidio,
18 and I spent a lot of time out at that site. I probably
19 know the rare plants out there better than anyone
20 because I've been doing this for about ten years. And
21 it is a very important area. It's really probably
22 unique in the Presidio because it has three different
23 plant communities, including the rare plant one of
24 concern, long-term or short-term, and every year and
25 more seriously is the new species problem.

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1 So when you talk about actions that are
2 going to be taken here you think immediately what are
3 the weak species problems going to be. It's very time
4 consuming and employee time consuming. So you have to
5 think about this, what affects that's going to have,
6 because that's an immediate affect on all your other
7 plant communities.

8 So, what I'd like to ask about is a further
9 discussion of institutional controls. That's your Army
10 alternative.

11 AUDIENCE MEMBER: Well, I guess that's one
12 of the other ones down there too, long-term groundwater
13 monitoring.

14 MS. SMITH: I actually had received a
15 document, institution of control is just fencing it and
16 monitoring it. So that's -- say you couldn't dig it up
17 or you -- (cross talk) -- put it out to lease for any
18 particular purpose, which, of course, is not anything
19 anyone would want anyway.

20 MR. KAO: Water Board is not here. I feel
21 obligated to speak for Water Board here. Cap was
22 required as a result that not enough categorization of
23 the landfill. The Water Board feel very passionate
24 about this. They don't know what's in the landfill.
25 They want to protect the groundwater underneath the

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1 landfill, and that's why they required the cap. So if
2 we're talking about do away without the cap, but we
3 think we need to have Water Board involved in this
4 discussion.

5 BOARDMEMBER BLANK: Well, we have meetings,
6 we've got the project manager, the Regional Board,
7 DTSC, EPA, the Army and the Park Service, and this is
8 the issue we're going to talk about. We just wanted to
9 raise it tonight and bring any input we could into the
10 meeting tomorrow.

11 BOARDMEMBER ALEXANDER: I'd like to make
12 some input. First of all, the fundamental issue here
13 is exactly what we were talking about in the previous
14 part of tonight's meeting. We are talking about end
15 use and how we get to an end use that the public is
16 signed off on, that the Park Service is here to
17 implement, that we all want to see happen. So in a
18 sense this is no different from, you know, is that
19 building clean and suitable for use; is this property
20 available for the restoration that the Park Service
21 plan foresees and that the public enthusiastically is
22 signed on to.

23 Now in light of that, something that you
24 said almost in passing, Roberta, it hit me, which was
25 that you wouldn't want to plant a cap because that

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1 would cause penetration of the cap and you'd be
2 planting with plants that would need to be watered, and
3 the whole point of a cap is to keep water off of the
4 landfill. If that's right, what I'm hearing is that
5 we're going to have -- this is what, about, a one-acre
6 site?
7 BOARDMEMBER BLANK: Little more.
8 BOARDMEMBER ALEXANDER: What we're talking
9 about is a acre of their ground for --
10 BOARDMEMBER BLANK: No --
11 BOARDMEMBER ALEXANDER: Is that wrong?
12 Okay. I'm hearing lots of nos. Please explain, then,
13 what you foresee. What is this going to look like if
14 it is --
15 BOARDMEMBER BUCK: It wouldn't look much
16 different than it is out here now except a slight
17 contour and it would be vegetated. There is provided
18 for a one-foot vegetative layer on the cap. Roger can
19 address that better than I. So, it's not going to be a
20 bare sand dune like the Sahara Desert.
21 BOARDMEMBER CHAN: However, it won't be
22 conducive to native plant species.
23 BOARDMEMBER BUCK: Well, it would be
24 conducive to lessingia. It's not a deeply rooted
25 plant.

1 BOARDMEMBER ALEXANDER: But would it be
2 conducive to the lessingia community, what seems to be?
3 BOARDMEMBER BUCK: Well, that's where their
4 botanists are thinking that the deeply rooted plants
5 required or some of the other species require a deeper
6 root that would penetrate into the low permeability
7 layer, which sort of prevents the water penetrating.
8 So, that's their position.
9 BOARDMEMBER CHAN: There was another
10 landfill site that we drove over with that bus that's
11 down the road from there that -- maybe you can explain
12 the differences between the two of them. We drove over
13 it to another part of the road. That essentially has
14 no vegetation on it. It was real barren. I mean, it
15 was obvious that we were on a landfill. It was below
16 the water.
17 AUDIENCE MEMBER: That was paved --
18 BOARDMEMBER CHAN: No, no, it's not paved at
19 all.
20 (Cross-talking)
21 FACILITATOR BUFFORD: The landfill you're
22 referring to, did you get your answer?
23 BOARDMEMBER CHAN: Yes. It wasn't a capped
24 landfill.
25 BOARDMEMBER WORK: Shirley, can I say

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1 something about diverse community? I was out there at
2 the site to view the lessingia with an ecologist and
3 park staff, and I don't recommend anybody to go near it
4 unless you have park staff with you because it would be
5 very easy to trod upon the lessingia and there's not
6 much of it left. And if you observe the way it grows,
7 it grows in sandy pockets surrounded by deep rooted
8 native plants.
9 So, you can't just say that you can have one
10 acre of lessingia. That just is not the way it grows.
11 I have a feeling that it just -- I'm no ecologist, but
12 it's my feeling that the deep rooted plants are what
13 protects the sandy pockets, and without the deep rooted
14 plants the wind would blow and the whole thing would
15 just blow away.
16 So I guess the point I want to make is that
17 you do need diverse community. You can't just have a
18 one-species, one-acre area.
19 BOARDMEMBER REINHARD: I just want to
20 reiterate again, without having received an answer to
21 my question, the Presidio Council's concern. We have
22 not stated in our comments -- which I'll give you yet
23 another copy of if you want -- that you must choose the
24 alternative of limited excavation.
25 What we have said is that we do not see any

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1 reason why the Feasibility Study and the Remedial
2 Action Plan did not carry through a complete evaluation
3 of this alternative. We do not have an opinion about
4 whether that is the correct alternative unless the
5 proper and appropriate amount of analysis is provided.
6 And I haven't heard anything of what you've said -- all
7 I've heard is maybe some comment you might write after
8 you did the evaluation, but I don't hear anything from
9 what you said to say why that analysis should not be
10 included. What we're saying is where is the analysis
11 of that alternative.
12 BOARDMEMBER BUCK: And I'll respond to you.
13 We went through the analysis, the normal analysis that
14 you do in an FS, and that screening alternative was
15 screened out. So we didn't do the full analysis on
16 that alternative based upon factors that occurred at
17 this site.
18 MS. SOPHER: And a lot of it was because of
19 the risk level of the detections that we had. It
20 didn't trigger the requirement to excavate or do any
21 removal in that landfill.
22 BOARDMEMBER REINHARD: Yeah, but you said
23 that your analysis of excavation and your screening was
24 based on excavating the landfill. But that's not what
25 we're saying. We're saying looking at limited kinds of

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1 excavation.

2 MS. SOPHER: I mean, you have to find a
3 contaminant to excavate.

4 BOARDMEMBER REINHARD: Well, like what
5 Roberta is suggesting, the first inch or the first
6 foot. I'm not saying excavate the entire landfill.

7 BOARDMEMBER BUCK: But our analysis shows we
8 didn't have -- that that first foot did not warrant
9 excavation. So why would you put that in the analysis?

10 BOARDMEMBER HORENSTEIN: Well, for the risk
11 of dermal contact of the pesticide on the surface, so
12 that --

13 BOARDMEMBER BUCK: That doesn't mean that
14 risks warranted remediation.

15 BOARDMEMBER HORENSTEIN: Well, no, what
16 you're saying is in the cost benefit of analysis --

17 BOARDMEMBER BUCK: No, cost doesn't come
18 into it.

19 BOARDMEMBER HORENSTEIN: -- rise up --

20 BOARDMEMBER BUCK: Not at that stage. You
21 don't even evaluate cost at that stage.

22 BOARDMEMBER HORENSTEIN: You're saying that
23 there would be no reduction in risk by removing that
24 material that's contaminated with pesticide?

25 BOARDMEMBER BUCK: There would be some risk,

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1 but what would you -- when you go to the next layer
2 down, what would you have?

3 BOARDMEMBER HORENSTEIN: That's a great
4 point, which is a point I have, that we need more
5 characterization of landfills.

6 BOARDMEMBER BUCK: Then you could go the
7 next foot down and you could go every five feet. You
8 could do that ad nauseam.

9 BOARDMEMBER HORENSTEIN: And that's a great
10 point. Suppose in the Army that would probably get
11 screened out, that alternative, because it would bring
12 up that whole question. But that doesn't answer the
13 point that you wouldn't gain by removing that
14 contaminated material. You certainly would. It just
15 wouldn't answer the question of what's below it,
16 certainly. But that's a good question.

17 BOARDMEMBER BUCK: And it sounds like you
18 can take a road grater out there and scrape off one
19 foot of soil. You have concrete blocks coming close to
20 the surface. It's not -- you know, it's a
21 heterogeneous sandbox out there.

22 BOARDMEMBER HORENSTEIN: Let me get my
23 comment, just briefly. One, I was at the workshop and
24 I did want to say this. I thought it was a great
25 workshop, and I appreciate the Department of the Army

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1 and the consultants for putting that together. I
2 thought it was very informative and I thought it was a
3 great process.

4 I think that there's a follow-up process
5 that we need to do, and maybe we're doing it in part
6 here, and that's kind of more of an interactive
7 discussion on the issues that were brought about from
8 that -- the way I look at it, maybe another one or we
9 specify a certain amount of time in the next RAB
10 meeting to really talk about these issues, because
11 there's many of them. And I think it's a really good
12 introductory for us as a RAB to look at these issues
13 and talk with the technical experts and understand how
14 the process takes place.

15 My other comment is I don't really
16 understand our role in the process yet, and we're an
17 advisory board. No one has asked me for advice yet. I
18 don't know if someone is going to. So, what I'm kind
19 of interested in is is there a process or do we design
20 a process to give advice, to give suggestions and how
21 that happens, or are we just subject to the same open
22 hearing that the rest of the community is -- I hope
23 there are some answers to that or we can discuss it.

24 BOARDMEMBER O'HARA: I'd sort of like to
25 find out from the standpoint of the botanists if there

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1 are other native species, plants, that can be planted
2 that are compatible with a cap -- you seem to have
3 focused in on a symbiotic relationship between one or
4 more species of plant, one requiring deep roots and one
5 requiring shallow roots. And apparently that kind of a
6 relationship is not compatible with the solution that
7 is being suggested in this particular case, which is to
8 cap this landfill. Is there something -- are there
9 native species that can be planted that are compatible?
10 And if so, why not?

11 BOARDMEMBER CHAN: I don't think it's quite
12 that simple, because the lessingia is already there,
13 and you don't want to introduce a native plant just to
14 introduce a native plant. You want to it promote the
15 native plants to the community that already exists.

16 BOARDMEMBER GEWERTZ: So we're --

17 BOARDMEMBER CHAN: For my own purposes, the
18 institutional controls of undisturbed is probably one
19 of the alternatives we should look at.

20 FACILITATOR BUFFORD: Roberta did open this
21 up for you to think about other alternatives, and the
22 discussion is going well. We have a number of hands
23 up. Mr. Rossi, you had a comment you wanted to follow?

24 BOARDMEMBER ROSSI: Yes. I think all these
25 questions are extremely important and applicable to the

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1 issue, except there's one overriding question that kind
2 of fits into your question about the role of the RAB
3 and what we do. Remember what we said before, the very
4 purpose of our existence is to focus on environmental
5 restoration with the objectives of reuse.

6 So, the following question to me is the
7 ultimate question with respect to this particular site:
8 Why did the Army choose to do what it recommended to do
9 with respect to that landfill? In answering that
10 question, you might fit in, maybe, the answer of,
11 "Well, okay, what role, then, do we play?"

12 The Public Health Service Hospital was
13 excluded from the legislation that automatically
14 transferred the rest of the Presidio to the Park
15 Service. That's a fact. The transfer packet which
16 will be provided to the Park Service here next week
17 does not include the Public Health Service Hospital.
18 It does not mean, though, that the Public Health
19 Service Hospital parcel of property need not be cleaned
20 up, obviously it is; it need not be remediated, which
21 it is. But its ultimate reuse, even though the Park
22 Service has alluded to the fact that it likes to use it
23 for a conference center, to destroy certain things,
24 that is not yet a fact. Is that right, Roberta?

25 BOARDMEMBER BLANK: I would defer that to

1 one of our attorneys.

2 MS. GOODYEAR: I missed the last part.

3 BOARDMEMBER BLANK: Is it true that the Park
4 Service is not yet in possession of the Public Health
5 Service Hospital as part of the transfer package?

6 MS. GOODYEAR: That is true. Part of the
7 reason that the Public Health Service Hospital is a
8 separate OU is because of the distinction between that
9 parcel and the rest of the Presidio. However, the
10 Public Health Service is a part of the Presidio.
11 Whether or not it may actually be transferred to the
12 Park Service is a separate issue. I still think that
13 the RAB can address all issues --

14 BOARDMEMBER ROSSI: I didn't say that they
15 were not going to address it. I didn't say that. I
16 hadn't finished my statement. So, I think it is within
17 the purview of the RAB to address -- especially now
18 since the public period has just begun with respect to
19 the RI, I guess, of the Public Health Service Hospital.
20 But I think it is important, in all fairness, to
21 understand why the Army has done what it has done to
22 date with respect to the Public Health Service
23 Hospital.

24 And the last information I received and when
25 you talk to the worker bees who are doing transfer

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1 documents, the assumption until directed otherwise is
2 that the Public Health Service Hospital will do
3 disposal in the, quote, "regular manner." So, what
4 does that mean? That means that it may or it may not
5 go to the Public Health Service Hospital -- I'm sorry,
6 to the National Park Service. However, there is a
7 process that we have to go through in terms of how it
8 will get to the Park Service.

9 MS. GOODYEAR: It's in the legislation
10 that's pending in Congress right now, and that
11 legislation is being --

12 BOARDMEMBER ROSSI: We haven't seen it.

13 BOARDMEMBER CHAN: What would be the
14 exceptions they already made, then for the reuse of
15 that?

16 BOARDMEMBER ALEXANDER: Can I explain that?

17 FACILITATOR BUFFORD: Michael has been
18 anxious to comment.

19 BOARDMEMBER ALEXANDER: Just so that you
20 understand, there is a quite legalistic and legal
21 dispute over the status of the Public Health Service
22 Hospital. It's not necessary to go -- and this is the
23 36-1/2 acres surrounding the hospital property. And
24 it's not necessary to go into all the details of it.
25 It goes back to the treaty of Guadalupe Vauvile in

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1 1852. Okay? Does that make you want to shy away from
2 it?

3 The Army assumed, under base closure law,
4 that it would be able to sell off the Public Health
5 Service Hospital property to the highest bidder, which
6 is the normal process of disposing of CERFA closing
7 bases under base closure law. Well, as it turns out,
8 the legal issues got much more complex than anybody
9 anticipated, as you can see by going back to the period
10 of the takeover from Mexico by the United States.

11 And the long and the short of it is simply
12 that what is expected is that there will be a boundary
13 adjustment -- after the Park Service takes over the
14 rest of the Presidio there will be a boundary
15 adjustment permitted by law which is an administrative
16 process which will incorporate the Public Health
17 Service Hospital property into the Presidio.

18 Now, that can happen in a couple different
19 ways. It's not important to go into the details of how
20 it happens. What is important, and what really rules
21 here is this notion of what's the reuse, and that
22 really is the key to it. And if we understand that we
23 are talking about an area -- at Landfill 8 we are
24 talking about an area immediately adjacent to a very
25 small area that has a remnant of an endangered species

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1 here, and that the Park Service's plan is to try to
2 expand the habitat of that endangered species, that is
3 a high priority, and that that is part of the Park
4 Service's plan for the whole Presidio.

5 And that plan was written to encompass the
6 Public Health Service Hospital, in anticipation of the
7 Public Health Service Hospital, would be included into
8 the Presidio National Park, because otherwise you'd
9 have to go into a whole separate planning process on
10 36-1/2 acres. So they did the whole thing at once.
11 This was the right way to go. The public loved it.

12 So I think those are the important points.
13 Even if by some horrific happenstance the Public Health
14 Service Hospital were to be sold to the highest bidder,
15 I'm sure that nobody would be able to come in and take
16 a bulldozer and wipe out an endangered species, because
17 federal law would not permit that, and that the kind of
18 discussion, which I think is a very good one, that we
19 are having right now is exactly -- would be precisely
20 relevant to whatever disposal would happen of the
21 property. But I have an extremely high confidence it's
22 going to be part of the Presidio.

23 To answer your question about have you been
24 invited to comment, I think we just have to remember --
25 and I said this before in an earlier meeting; I think

1 we've forgotten. We shouldn't wait to be invited to
2 comment on this. We are advisors to this process.
3 That's why all of this is being taken down. And we
4 have to be affirmative in commenting. And, in fact, in
5 my view -- I'll repeat what I've said -- not only do we
6 have to be affirmative in commenting and aggressive in
7 commenting to the Army, which has responsibility for
8 the cleanup, but when somebody says something that you
9 agree with, unless you raise your hand and say, "I
10 agree with that comment," you haven't commented.

11 So, while we are prohibited from voting and
12 saying, "Yeah, by a vote of 18 to 3 we recommend to the
13 Army Prescription A instead of Prescription B," what we
14 do need to do is to reinforce each other's comments
15 where we agree with them.

16 BOARDMEMBER HORENSTEIN: Isn't there a
17 middle ground, though, between casually commenting, or
18 "I agree" and formally voting? Isn't there something
19 like a communication plan that the Board can put
20 together to pass on to comments from the RAB in a
21 formal manner to the Department of the Army on
22 particular issues?

23 FACILITATOR BUFFORD: You have a co-chair
24 who would like to answer that question.

25 BOARDMEMBER REINHARD: I think there is a

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1 much fuller and important response than the one Michael
2 gave to your question. We all need to understand the
3 statutory process that we're involved in here. At a
4 minimum, CERCLA and the Superfund law established
5 what's called a formal comment period. Today is the
6 first day of that period.

7 Comments received during the public comment
8 period must be normally responded -- and when we use
9 the word "comment," Michael and I especially, maybe, we
10 are not just saying casually, "Gee, it would be nice if
11 John Buck kind of knew what we thought." We're talking
12 about a legal mechanism by which the agency responsible
13 for making the decision is required to analyze the
14 comment and respond to it, and if it can not provide a
15 proper response, then to revise its plans.

16 Now, a couple of important things to know.
17 Comments received after the close of the formal comment
18 period, September 2nd, let's say, we may get a break
19 and maybe the Army will respond to them if they choose
20 to, but they would not be required to. So, a late
21 comment would be totally at the discretion of the
22 agency. And if that comment happened to be a real
23 humdinger, really one of the responses is "Too bad," at
24 least for this immediate decision.

25 The other problem is, what form must the

1 comments take? Now, this is a legal area of possible
2 interpretation, but to be most secure that comments go
3 on the record, the best vehicle for doing that is in
4 writing and/or at the formal public hearing when the
5 official record or administrative record is
6 established. I personally have some question whether
7 the transcripts being made at these meetings or the
8 comments being made at these meetings will enter into
9 the formal administrative record that the Army must
10 respond to. I hope they would, but I don't have that
11 as a guarantee. So, for my part, I make sure any
12 comment I have is sent in writing and made part of the
13 administrative record.

14 Now, why is the administrative record so
15 important? The Army -- again, this is just what the
16 law says, and so far Romy is nodding his head in
17 agreement; I feel like I haven't said anything wrong
18 yet. The administrative record is the sum of all the
19 documentation to which the Army is held accountable.
20 It has all those investigations, all these official
21 documents and our comments, if they are submitted
22 properly.

23 Let's say next year the Army made a terrible
24 decision. All these species died and it was the wrong
25 decision. Could we do something about it? Yes. We

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1 could sue. But a court would not allow a suit to be
2 based on anything that is not legitimately -- or should
3 have been legitimately part of the administrative
4 record. So, the importance or the sacredness of this
5 process is key to making sure that the comments we make
6 are real, and have to be responded to.

7 Now, what does the RAB have to do with this?
8 If there is a public comment period, why did we need to
9 meet beside 30 days? The purpose of the Restoration
10 Advisory Board -- and now we're starting to get into
11 areas that are not literally spelled out by the statute
12 and by regulation, but which are more a matter of
13 policy and intent and, you know, an idea of trying to
14 improve the process within the law.

15 The RAB -- just to kind of make slang out of
16 it -- is supposed to have a longer, more effective
17 period for public comment and input than standard 30
18 days. I think the workshop we had the other night is a
19 tremendously good example of why Joe Blow coming off
20 the street on August 1st to learn about the Public
21 Health Service Hospital would not be in a position to
22 make the greatest public comment within 30 days. It's
23 difficult to acquire all the information that's needed.

24 And so here's an opportunity for us to be
25 informed ahead of time to go back to the people that we

1 represent or that we also talk to and, you know, give
2 them the kind of insider's views that -- like, all
3 these people have had. They have been commenting for
4 the last 18 months because they've been working on all
5 these documents all this time. And one of the purposes
6 of the RAB is to open that insider's door up a little
7 bit.

8 So, what Michael has said is right. You've
9 already been asked for your advice because you're a
10 member. And your advice is solicited and eagerly
11 awaited at any time on any subject. But what I want to
12 emphasize is that legally this 30 days is a critical
13 legal period, and that comments need to be inserted
14 into the administrative record officially in order to
15 be officially accountable.

16 BOARDMEMBER HORENSTEIN: Can we ask -- the
17 terms that you stated early on -- and I appreciate
18 those comments -- was that you didn't know and you
19 don't have assurances that these minutes are part of
20 the administrative record. Can we ask if these minutes
21 are, particularly if we designate a portion of the
22 minutes specifically for comments on certain issues,
23 can that be officially a part of the administrative
24 record?

25 BOARDMEMBER REINHARD: Well, Captain Stanton

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1 is not here, for one thing.

2 BOARDMEMBER WILKINS: Let me clear this up
3 for everybody. What you're doing here -- the purpose
4 of having the discussion tonight, the intent was to
5 have an open-air discussion, to talk about the various
6 issues of concern, different points of view for the
7 Public Health Service Hospital. If the transcripts
8 are -- these transcripts go to the repository. They're
9 part of the public record.

10 The procedure for RAB community members to
11 provide input for the Army in terms of its formal
12 advice is to provide comments. You were given a copy
13 of the Remedial Action Plan. You've been given indices
14 to all the environmental documents that have been
15 published for the Remedial Action Plan for which we
16 have the public comment period going on right now.

17 It's your responsibility to review that
18 document and to provide comments to the Army. The
19 reason we're having the discussion here tonight is to
20 give you just a greater sense of what makes sense to
21 you, and what would make sense to you in providing
22 advice to the Army. Should your advice be, "Well, I
23 think the Army's idea of a cap is great, so I'm going
24 to advise the Army that I think your idea of a cap is
25 great," you write that in. It goes in to me or the

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1 Public Affairs Office, which is what was put out on the
2 fact sheet that you were given regarding public comment
3 and we'd have to respond to those comments.

4 Okay, if you don't like the cap, if you
5 think that the Park Service having -- that low level
6 excavation is a good idea, then that's your comment and
7 we accept that. That's the input. That's the advice
8 that we want from the RAB.

9 The purpose of the discussion here tonight
10 is to get all those different viewpoints so you, as you
11 review the document, can hear some of the ifs, ands,
12 whats, whys and wherefors about it and come up with a
13 reasonable point of view as to -- or your advice as to
14 what you think should be done with this particular area
15 with those particular issues.

16 And you can do that at any time during this
17 public comment period. You can stand up at the public
18 meeting that's going to be on the 18th and formally
19 state it. We'll have a formal comment period in that
20 meeting where you can say that. This is to supplement
21 your ability to provide that advice.

22 Do you understand that? Is that clear for
23 everybody here?

24 BOARDMEMBER HORENSTEIN: Yes.

25 BOARDMEMBER ALEXANDER: Yeah, it's sure new

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1 information.

2 FACILITATOR BUFFORD: As today is the first
3 day of the public comment period, Bruce is asking the
4 comments being made tonight, will they enter the
5 administrative record? Will they be a part of that?

6 BOARDMEMBER WILKINS: The comments that are
7 being made here tonight are only part of the
8 administrative record insofar as they're in this
9 transcript, and that transcript is going to be in the
10 repository, which is part of the administrative record.
11 Your formal comment and advice that comes to the Army
12 has to come in a formal response, just like if anybody
13 else was going to formally respond. You have a fact
14 sheet, and it says in the fact sheet if you have
15 comments they come to Public Affairs or they come to my
16 office.

17 FACILITATOR BUFFORD: Or they can be made in
18 the meeting that's going to be held specifically for
19 the Public Health Service Hospital.

20 BOARDMEMBER ALEXANDER: There's some
21 confusion here. I want to be sure we got this
22 straight. Are you talking only about comments on the
23 Public Health Service Hospital document which today is
24 the first day of the comment period?

25 BOARDMEMBER WILKINS: The Remedial Action

1 Plan.

2 BOARDMEMBER ALEXANDER: Remedial Action
3 Plan. But I think that's where the confusion is.
4 Those are comments that have to be made either in
5 writing or orally on the 18th.

6 BOARDMEMBER WILKINS: Right.

7 BOARDMEMBER ALEXANDER: Okay. But I think
8 you're talking about, and is the broader issue of,
9 comments being made at the RAB to the Army, do the
10 things that we say to the Army in these meetings, are
11 they part of the administrative record or do we have to
12 put our specific comments about what the Army is
13 planning to do into writing and submit them separately?

14 BOARDMEMBER WILKINS: Yes, I understand
15 that, and the answer to that question is that this
16 forum here is to discuss all the issues to give
17 everybody a greater sense of how they want to provide
18 that advice, but that advice has to be, as you said,
19 separately and formally provided to the Army. And at
20 this information -- your comments provided during this
21 discussion session are only in the administrative
22 record insofar as they're part of the transcript.

23 FACILITATOR BUFFORD: So, Rob was correct
24 when he said and encouraged us to write your comments
25 or come to the meeting and have your comments recorded

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1 there. I also think that you can discuss with the BRAC
2 and Public Affairs officer over the phone your
3 comments.

4 BOARDMEMBER WILKINS: Let me make a
5 clarification. Any of the comments -- if you have any
6 formal comments in terms of the advice you want to give
7 to the Army about the Public Health Service Hospital
8 Remedial Action Plan, I was incorrect in stating those
9 comments can go to the Public Affairs Office. You just
10 send them to me.

11 But let me clarify what goes on here. The
12 discussion here, the intent of this discussion is to
13 give everyone a knowledgeable advantage or to help them
14 determine what type of advice they want to give to the
15 Army. That still has to be given separately. The
16 comments are only part of the public record insofar as
17 they're part of the transcript.

18 BOARDMEMBER MARTE-BAUTISTA: Could I ask,
19 this is the first time I've heard a committee that is
20 asked to serve for the purpose of looking at
21 documentation, et cetera, is not allowed to come out
22 with a general recommendation of issues, position of
23 issues that the whole group would vote as to which
24 issues should be in the briefs, so to speak, as a
25 comment for our position as a group. That's the

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1 reason, my understanding in all committees I have been
2 on has always taken a position. So my understanding is
3 that we're taking this on as an individual. Well, why
4 are we in a committee for?

5 FACILITATOR BUFFORD: Okay. That was the
6 intent of the Restoration Advisory Board, to broaden
7 the public comment and to get individual comment on
8 alternatives and actions taken by the military. We're
9 not doing voting; we're not going into
10 consensus-building because they would violate the
11 Federal Advisory Committee Act. We're not a federal
12 advisory committee.

13 The Restoration Advisory Board is an
14 advisory board. We've been asked to ask for
15 individuals. That doesn't mean that you can't get with
16 your neighbor and agree, but it's not a
17 consensus-building body. We are soliciting input from
18 individuals. And all of the individuals on the Board
19 may come up with the same decision or concern or
20 comment, but we'd like to take those as individuals.

21 BOARDMEMBER REINHARD: I think we still need
22 to supplement what David is saying. Just as I am not a
23 lawyer, David is not a lawyer. There is, to some
24 extent what David just said, I think, a
25 misunderstanding still about the process. When I said

1 that I feel insecure whether something in the
2 transcript is part of the administrative record, I'm
3 insecure because of what David just said. He's not
4 sure. And he made the statement, "Well, to the extent
5 it goes into the public repository it's part of the
6 record."

7 My concern by what he says is I don't --
8 it's a legal question to which there is still no
9 answer. What I'm concerned about is that some day I
10 might want to say -- I want to argue that yes, it is,
11 regardless of what David just told you, that anything
12 said during the public comment period and on the
13 transcript is part of the administrative record. The
14 administrative record is a legal term. It's the
15 official set of papers and comments and writings and
16 statements to which the Army must respond and on which
17 it must base its decision and which the State of
18 California must concur; I want to add that as well.
19 And maybe this transcript is part of it. I
20 don't get a feel of security from David whether it is
21 or is not, and I don't think he can give that security
22 because, like I said, it's a legal question. But in
23 order to feel safe what he says is true, that we should
24 make sure that comments that we feel are important are
25 put in writing or are stated out loud during the public

1 I want to make one more comment to the lady
2 earlier on said, "Why can't we vote." I think the
3 purpose of getting comments, getting comments from
4 everybody. We don't want some comments got suppressed
5 because it was a 12-to-1 vote. This voice got shut up.
6 We still want to hear that one voice, even it's
7 minority. And that's the reason we don't want to vote.
8 We want to have as many opinion as possible.

9 FACILITATOR BUFFORD: Chien and Rob are both
10 correct; CERCLA says you have 30 days to comment and
11 you should do that and you should do that in writing
12 for your own security if you want your comments heard
13 or made.

14 BOARDMEMBER ALEXANDER: That's on the Public
15 Health Service Hospital.

16 FACILITATOR BUFFORD: That's on the Public
17 Health Service Hospital, and that comment period starts
18 today. It ends on the 30th. David has been asked if
19 he can receive comments tonight. I think the answer is
20 yes. If you want to write those down you can give them
21 to him tonight; you can give them to him at the public
22 meeting; and you can send them through the mail; you
23 can hand-deliver them; you can fax them.

24 But the law does say that you have 30 days
25 to comment. And to ensure that your comments are seen

1 hearing.

2 The public repository is another term
3 altogether. The public repository is -- I don't know
4 how to explain it except it's just a bunch of things
5 that are in Rena's office. It's a lot of paper, but
6 it's not the official administrative record, and that's
7 the basis for decision-making, the record.

8 FACILITATOR BUFFORD: Chien?

9 MR. KAO: I want to add to what Bob just
10 said. If you want to be sure your comments go into the
11 record, play it safe. Write it in.

12 I want to add one more thing. This
13 particular activities, RAB, is federal initiative.
14 It's not required by law. So, can we enforce anything
15 said here -- you know, I'm not a lawyer either, but I
16 have a lot of questions about if tomorrow Army come out
17 and says, "I want to cancel this whole thing about
18 RAB." Nobody can stop them. There's no law required.

19 BOARDMEMBER ALEXANDER: It's an executive
20 order.

21 MR. KAO: It's a policy. There's no EO on
22 this thing. It's the President's five point plan. I
23 don't know if the EO yet. So, I want to echo what Bob
24 said. If you want to get your comments in, play it
25 safe. Write them in.

1 and heard, putting them in writing is the safest way to
2 do that.

3 BOARDMEMBER GEWERTZ: I just wondered if I
4 could ask this question that's somewhat outside the
5 scope of what we're discussing now, so I'm not sure if
6 we're done with this --

7 FACILITATOR BUFFORD: Okay. Is that clear
8 to everyone before we go to Heidi?

9 BOARDMEMBER GIRARDOT: I have one other
10 comment, and that is that my understanding is that the
11 community members here are really providing a community
12 service. You're supposed to go back to, quote, what he
13 said, the people you represent. It's not just you.
14 You're supposed to go out and get the word out to all
15 the people in your organization, whatever that is. I
16 hope there's nobody here that's just representing
17 themselves.

18 And you're supposed to go out and expand the
19 public's knowledge and the public's awareness of what's
20 going on to reach the broadest number of people and to
21 help them improve the quality of their comments by
22 transmitting the knowledge that you got in the
23 workshop. That's why you're here. You're not here to
24 take a vote and to have a consensus because, as Shirley
25 said, you're not a FACA group.

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1 FACILITATOR BUFFORD: And we do encourage
2 that you share this information. That's one of the
3 purposes of expanding the former technical review
4 committee, so that more people could get involved, more
5 people could get a better understanding of the cleanup
6 process.

7 BOARDMEMBER ALEXANDER: Well, I understand
8 about the Public Health Service Hospital, because we
9 are in a 30-day public comment period; no problem with
10 that. However, I was also under the belief -- and I'm
11 not sure I am any more -- that when we are here,
12 meeting as a RAB in a public meeting with the Army
13 present and we have a comment -- for example, the
14 earlier discussion about the goals and nature and
15 process of the site-specific studies, that when we made
16 -- now there is no public comment period underway on
17 that issue, but that when we made a comment to the Army
18 regarding that, that that was a comment, that they were
19 to -- that the Army was to consider, and that that was
20 part of, at the very least, part of the administrative
21 record. Now what I'm hearing is that all of that stuff
22 is just chatter. That's just getting our heads
23 together, and that doesn't have any meaning. Is that
24 correct?

25 FACILITATOR BUFFORD: I think Theresa asked

1 the question about public comments on the CERFA
2 documents, and Theresa --

3 MS. McGARRY: I'm not sure I understand your
4 question. You were not formed as a RAB when they were
5 going through CERFA.

6 FACILITATOR BUFFORD: So I think what she
7 said is that there is certain agencies that are
8 handling the CERFA requirements, and the National Park
9 Service and the Department of the Interior, DoD and the
10 Army are the people you will talk to about your
11 concerns. And certainly you would put those concerns
12 in writing, but there is no public comment --

13 BOARDMEMBER ALEXANDER: But they don't
14 constitute verbal comments here, oral comments here,
15 that they have no weight; we're just chatting?

16 FACILITATOR BUFFORD: Well, earlier Theresa
17 made a presentation on her understanding and her
18 concerns at that time, just a sharing of information.

19 BOARDMEMBER ALEXANDER: Then I'm not sure,
20 then, why we're bothering to have training sessions and
21 then RAB meetings. They seem to be the same thing.
22 What's the difference?

23 BOARDMEMBER REINHARD: It's not just
24 chatter. What David said is very important for us to
25 remember, that the process of us sitting around here

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1 discussing candidly and in this way that we're doing,
2 you know, back and forth in a free, open form way is
3 very important. I think a lot of substantive work
4 happens.

5 If we were all restricted to the mechanics
6 of always writing everything out, we would give up that
7 ability, and I think we want to have that candid
8 atmosphere too. So, I don't belittle in any way the
9 idea of getting together like this, but I'm just saying
10 that legally to also be considered, writing out a more
11 lengthy comment is important.

12 And maybe another way to explain this is to
13 explain what happens at the end of process. The Record
14 of Decision document which is issued consists of --
15 I'll boil it down to three parts. There's a two-page
16 decision which says, "Here's the cleanup and it's
17 signed by" -- somebody important. Then there's like 50
18 to 100 pages of explanation, and the explanation reads
19 a lot like the Remedial Action Plan that you have in
20 front of you. It basically kind of tells the story of
21 the Public Health Service Hospital and why the decision
22 -- which only took two pages -- was made.

23 But then the third part is Response to
24 Comments. And I don't know if everybody has seen an
25 official Response to Comments document, but it

1 literally is, you know, this comment said, you know,
2 evaluates hot spots. Then it's written out, "We're not
3 going to evaluate hot spots because we don't see a hot
4 spot or we don't think it's worth it. Thank you for
5 your comment. Two, we think you should look at
6 reuse" -- in other words, it literally goes through
7 every single comment.

8 Now, if we were to say that every
9 suggestion, every comment we made in these meetings
10 requires a response, the Army would have a very
11 difficult task. They'd have to go read all these
12 transcripts. They'd have to sit through this whole
13 meeting again, and they'd have to say, "Gee, was that
14 person just shooting the breeze or is that a real
15 comment that I have to write an answer to?"

16 And I don't know how to deal with that.
17 That's a difficult problem. But what I'm saying is the
18 Response to comments document, it literally goes in and
19 writes out the formal explanation of why your comment
20 is a good one or a bad one, and that's why we need to
21 get it in writing.

22 BOARDMEMBER WILKINS: First of all, I take
23 issue with what you were saying earlier, Bob, because
24 when I said that the transcripts will be part of the
25 administrative record, they will be part of the

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1 administrative record. So the comments that are made
2 here will be part of the administrative record insofar
3 as they're in the transcript, which will be in the
4 administrative record. That's it. That's clear and
5 that's fair.

6 Formal comments, formal advice that you make
7 to the Army, and for anybody that's here, will have to
8 be done separately. And you can do that any time
9 during this public -- you can do it after, and then you
10 also have the comment period on the 18th. It's pretty
11 straight forward and there is no gimmicks or tricks
12 involved.

13 BOARDMEMBER REINHARD: Well, then you're
14 confirming what I just said. You're saying that the
15 only formal comments are the ones to which you will
16 respond. If you're saying --

17 BOARDMEMBER WILKINS: Well, that's right,
18 because --

19 BOARDMEMBER REINHARD: -- comments that in
20 the transcript are in the record, then you're going to
21 listen to this meeting again and respond in writing.

22 BOARDMEMBER WILKINS: No. You're
23 misunderstanding.

24 BOARDMEMBER REINHARD: Well, then, that's
25 what I'm explaining, get your comments in writing --

1 BOARDMEMBER WILKINS: That's right. So you
2 had a misunderstanding and that's what I'm clarifying.

3 BOARDMEMBER WORK: I had a different
4 definition of administrative record. It sounded to me
5 like what Bob was talking about was that public
6 comments go in the administrative record, and that's
7 all that goes into the administrative record. I'm
8 over-simplifying what you were saying, I think, but
9 public comments do go in the administrative record, but
10 a lot of other stuff goes into the administrative
11 record as well.

12 In fact, there's some discretion. Anything
13 that the Army feels was used in the decision-making
14 process would be suitable -- in fact, they must put it
15 into the administrative record. So the point I'm
16 trying to get at is if the Army wanted to, you could
17 include these transcripts and you would not have to go
18 through them and sift out every single individual
19 comment and respond to it in writing. In other words,
20 you would not have to treat this transcript as though
21 it was a public comment period on the Public Health
22 Service Hospital BRAC.

23 Of course, you would solicit those comments,
24 and these comments that you got as formal public
25 comment you would have to respond to. I guess what I'm

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1 trying to get at is you can conceivably include these
2 transcripts in the administrative record without having
3 to go through it and identify every single issue that's
4 brought up and respond to it.

5 FACILITATOR BUFFORD: That sounds clear to
6 me.

7 BOARDMEMBER KERN: Well, just to pick up on
8 what Joan said, I actually read all the material and
9 went around and talked to some people that I was
10 supposed to. And this hasn't really been talked about
11 too much, but some of the people I talked to -- and
12 this doesn't mean anything about what people have
13 already recommended, but they were surprised that no
14 more attention would be paid to this supposed cemetery
15 that was there. So, that's going to be one of the
16 comments that I make, that perhaps we need to consider
17 when we make this a national park and somebody walks
18 along there, why did these people leave a garbage dump
19 here with a cemetery underneath? I mean, is this what
20 they left us with? I mean, it's just a thought.

21 FACILITATOR BUFFORD: That's a good example
22 of what your role is on the RAB, and you will submit
23 that comment and it will also be included in this
24 transcript. Is that correct?

25 BOARDMEMBER WILKINS: That's exactly what

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1 we're looking for.

2 BOARDMEMBER ROSSI: Just a point of
3 clarification, which it's clear to me, but with respect
4 to comments in writing, there is still a cloud out
5 there that Mike, I think, brought to our attention once
6 again. It's clear, at least I think it is after we've
7 debated long enough, with respect to the 30-day comment
8 period how to submit comments, how they will be
9 recorded, how they will be responded to. That's fine.

10 But I think Mike's other question was what
11 about this body and the comments that you make. As I
12 understand that, last week you covered that and I
13 thought it was clear also. And the basis of Dave's
14 remarks were that since we are not a FACA Board or not
15 adhering to those rules, then the comments must come
16 individually, right? Something like that.

17 So, I think that is what he was getting to,
18 Mike, so that are they going to be a matter of record?
19 Yeah, right, as long as we submit them individually.

20 BOARDMEMBER WILKINS: That's correct.

21 BOARDMEMBER ROSSI: Will they be responded
22 to, members of the Board, and maybe read to the Board
23 in forum like this in a meeting? Probably, yes, write,
24 a co-chair to put that on the agenda. That shouldn't
25 be a problem. Will they be a matter of record with

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1 respect to, I guess, the decision that will be made
2 with respect to an environmental condition or
3 remediation as part of the administrative record? Yes.
4 If those records are provided, comments are returned,
5 discussions are made and then made a matter of the
6 record by the Army, what he just said, that they are
7 compelled to do, right?

8 BOARDMEMBER WORK: I said there's some
9 discretion there, and in theory, any information that's
10 used in the decision-making process leading up to a
11 remedy should be in the administrative record. And the
12 Army can, with its discretion, determine that these
13 transcripts are exactly that and include these
14 transcripts in the administrative record.

15 BOARDMEMBER ROSSI: That's right. So, to
16 me -- and I understand it's a little bit difficult
17 because we're acting somewhat differently because it's
18 outside of the FACA rules, but this is a forum in which
19 not only can we gather information but we can provide
20 information, that we can share information. And then
21 in turn, either by a couple of us getting together or
22 individually writing those comments to, I guess, the
23 Army in this case and saying "Here's what we think you
24 ought to do with respect to that particular site." We
25 are not talking about landfill at the Public Health

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1 needed, perhaps to use the leverage that this Board as
2 a body should have, possibly does have, to move the
3 Army, if needed.

4 BOARDMEMBER CHAN: Just one comment on that.
5 I have to bring up back what Chien said. I think the
6 Army, to their credit, is going to look at all the
7 comments with equal weight, so the Board would just
8 have one voice. And that more than one voice saying
9 the same thing would have more weight than one voice.
10 So in that case I would think that having the Board
11 saying anything probably wouldn't make a difference to
12 them one way or the other, but if 25 organizations say
13 something very similar, that would make a big
14 difference.

15 FACILITATOR BUFFORD: We don't want to leave
16 out, as Chien said, that minority view, which may be
17 the correct view. Romy wants you to know that if you
18 do comment individually there will be a response to
19 your comments in what we call a Responsive Summary, and
20 that's a response to comments, to each comment that is
21 made through the public comment period for the action
22 that's planned for the Public Health Service Hospital.

23 And I'd like to take one more comment and
24 then close this.

25 BOARDMEMBER MARTE-BAUTISTA: For the rest of

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1 Service Hospital now, but it could include that because
2 that's now in a different category.

3 BOARDMEMBER HORENSTEIN: I just wanted to
4 say what I'm feeling -- and I understand it very well
5 by now. But what I'm just feeling is kind of a loss,
6 that this Board doesn't have another opportunity as a
7 body to comment, because clearly a body has more
8 leverage if it's needed than the individual comments.
9 And although I definitely understand, I'm not sure that
10 if an issue comes up where it appears or it's clear --
11 or there is a consensus of the Board, that there's not
12 a mechanism informally to show that the Army is not
13 being sensitive to the concerns addressed, brought up
14 by the Board as a whole.

15 BOARDMEMBER ROSSI: And you're suggesting
16 some process procedure that maybe the co-chairs could
17 give the Board and say, "Okay, if we do have this
18 informal consensus," and Rossi and yourself get
19 together and say, "We think this is a point we ought to
20 make in writing to the Army to ensure that this
21 happens"... And then we do it, we submit it. We can
22 present it and give it to the Army --

23 BOARDMEMBER HORENSTEIN: That would be a
24 formal process, yes. Informal process is that there's
25 media or what not, but there's certainly options, if

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1 what we're discussing here on the Presidio, when does
2 the formal comment start? I know about the hospital is
3 right now in 30 days. When does the Presidio --

4 BOARDMEMBER BUCK: The main installation, we
5 still have a lot of work to do before that starts. So
6 it's not in the very near future.

7 BOARDMEMBER MARTE-BAUTISTA: So our comments
8 is not required for that --

9 BOARDMEMBER BUCK: Right. We're not in that
10 comment period right now.

11 FACILITATOR BUFFORD: There are going to be
12 various comment periods for each of the actions taken
13 on the whole installation.

14 BOARDMEMBER MARTE-BAUTISTA: So right now
15 we're only concerned Landfill 8 and Landfill 10.

16 FACILITATOR BUFFORD: Okay. I said I'd take
17 one more comment and then I'd like to give the reporter
18 another break. And Donald has been very patient.

19 BOARDMEMBER MEYERS: I feel totally out of
20 line, but I want to talk about Landfill 8. With
21 respect to a comment made earlier about reuse, and
22 people spoke about native species there, the problem I
23 think is going to come up again is the way this area is
24 being cut up. The main reason that we kept going in at
25 all is because of the impact of groundwater, and that

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1 groundwater is actually not on the PHSG portion of the
2 Presidio.

3 Lobos Creek, Mountain Lake area is actually
4 outside that boundary, yet that is the area the Water
5 Board is worried about, because that water they
6 consider to be a source of drinking water in the events
7 there may be a destruction of the water supply in San
8 Francisco. So from the way I see it, you wouldn't have
9 bothered putting in a cap unless the Water Board had
10 asked you to do that. If you're not going to put in a
11 cap, which is what I understand the Park Service
12 doesn't want you to do, then you're stuck with either
13 source removal or control of water through that area.
14 Is that what we're dealing with here?

15 BOARDMEMBER BUCK: Yeah, but first of all,
16 Lobos Creek already is a drinking water source.

17 BOARDMEMBER MEYERS: And they want to
18 protect it.

19 BOARDMEMBER BUCK: Right. We think the best
20 way to evaluate a landfill is through groundwater
21 monitoring. To date, we haven't seen -- we don't have
22 any conclusive evidence that we have an impact on the
23 landfill. However, one of the components, remedy,
24 actually, even for the institutional control, is to do
25 landfill monitoring. We think that's the best way to

1 assess impacts from a landfill, because it gives you an
2 aerial expanse to evaluate past the -- one single point
3 in a landfill, it's maybe six inches wide. You may hit
4 something; you may not.

5 The Board's concern, you're right, is for
6 beneficial uses of water, beneficial use of the water
7 underneath the landfill, although there's no current --
8 it's not currently used as a drinking water source. We
9 did evaluate it in the risk assessment as a drinking
10 water source.

11 BOARDMEMBER MEYERS: That's also beneficial
12 use of the water where that --

13 BOARDMEMBER BUCK: Well, it will migrate,
14 correct, to the surface water, eventually to Lobos
15 Creek.

16 BOARDMEMBER MEYERS: Am I right in thinking
17 that that has been incompatible with the Park
18 Service's --

19 BOARDMEMBER BUCK: Well, I don't necessary
20 think that -- well, no cap -- I won't get to the issue
21 of excavation, but at this point we don't think we have
22 an impact. We think we would see impacts in the water
23 due to the nature of the soil and sand dunes. There's
24 not anything really to inhibit anything really coming
25 out of that landfill and showing itself in the wells

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1 that we have so that we supplement that with another
2 well. So in our view we think we could live, really,
3 without the cap. But you're right, the Water Board is
4 concerned --

5 BOARDMEMBER HORENSTEIN: At the workshop
6 what she said, the representative from the Water Board,
7 I'm pretty certain, she said that the Board asked for
8 the cap, because they were concerned that greater
9 characterization of the landfill hadn't been done. I
10 think the implication there was it was a trade-off, and
11 greater characterization of the contents and effects of
12 the landfill would offset the requirement for the cap.

13 BOARDMEMBER BUCK: Well, I don't know,
14 because you have closure requirements on landfills that
15 they're quoting.

16 BOARDMEMBER ALEXANDER: Explain that.

17 BOARDMEMBER BUCK: Okay. When you close a
18 landfill -- and a closure in this case frequently means
19 you cap it. In other words, you just don't abandon it
20 and let anything occur out there. And there's
21 groundwater monitoring requirements. So, what we're
22 wrestling with here is can we get away with not going
23 through and putting on a formal cap but monitoring to
24 ensure that there is no further impacts. You know, the
25 Water Board has, to this point, insisted that there is

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1 that capping requirement.

2 Now, I recall in past conversations -- I
3 thought it was the regulatory position that, in fact,
4 full and detailed characterization of landfills is
5 generally impractical to get, you know, an absolute
6 degree of certainty that there is nothing there due to
7 the nature of how stuff is deposited in landfills.

8 So, you know, we're sitting here discussing
9 something that -- you know, obviously there are strong
10 opinions on two sides. And I hope we can come to some
11 agreement on this and some middle ground, perhaps.

12 BOARDMEMBER MEYERS: It might be, then, that
13 you can do better characterization which might sort of
14 double with monitoring, which might satisfy the Water
15 Board, leave it uncapped and let the Park Service put
16 their native species back in?

17 BOARDMEMBER BALL: Perhaps we need somebody
18 from the Water Board who can address whether the cap is
19 an option or not.

20 MR. KAO: Actually, I did talk to Shin-Roei,
21 who represents the Water Board, and that's exactly what
22 you said, that if there is no cap they wanted to have
23 further characterization of the site of the landfill
24 itself. And if you find something, you're going to
25 have to enhance your monitoring system. And that's the

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she told me. And we're going to have a meeting
 2 tomorrow morning with the Water Board, with regulatory
 3 agencies and further discuss this issue.

4 FACILITATOR BUFFORD: And Chien, you and a
 5 representative from the Water Board will be present at
 6 the RAP meeting for the hospital. Okay. I wanted to
 7 be sure that there would be someone from the Water
 8 Board, DTSC, the Army, available when we had the public
 9 meeting so that this could go on record to answer your
 10 question, but I do think we have a meeting before the
 11 actual Remedial Action Plan meeting schedule.

12 BOARDMEMBER REINHARD: This is a point of
 13 order. We had established at, I think, two RAB
 14 meetings ago that if there was going to be a remedial
 15 project managers' meeting that a community member would
 16 be invited to one of those meetings. So if you're
 17 saying that tomorrow there is such a meeting, I think
 18 this is the first community members have heard about
 19 it. And we had wanted to have somebody there.

20 BOARDMEMBER BLANK: Rob, I wasn't at that; I
 21 don't think I was at that meeting. I realize that it
 22 was something you guys had agreed on. Is it too late
 23 now to --

24 BOARDMEMBER REINHARD: Well, it's good to
 25 know now, and just for the future, like I say, that was

1 the conclusion of that meeting. We did ask every
 2 agency who was at that meeting --
 3 BOARDMEMBER BLANK: Did the agencies agree
 4 to that, then?

5 BOARDMEMBER REINHARD: Yeah, and -- was it
 6 Martha who was there instead of you that night, that
 7 the Park Service also concurred on that.

8 BOARDMEMBER BLANK: What? Did you sign up a
 9 particular individual? Would it be different every
 10 time?

11 BOARDMEMBER REINHARD: We hadn't talked
 12 about it formally, but I thought, Bennett, you were
 13 sort of interested.

14 BOARDMEMBER HORENSTEIN: Kind of informally.
 15 There wasn't a whole lot of people that wanted to do --
 16 it's open for -- what time was it?

17 BOARDMEMBER BLANK: It was at 9:00 in
 18 Building 102 in the large conference room.

19 BOARDMEMBER REINHARD: Would any other of
 20 the community members like to go instead of Bennett?

21 BOARDMEMBER HORENSTEIN: Do we want
 22 different people to go to different meetings? I can
 23 go. I'd be interested.

24 BOARDMEMBER ALEXANDER: I think it's an
 25 advantage in continuity.

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1 BOARDMEMBER MARTE-BAUTISTA: I can go.

2 FACILITATOR BUFFORD: Two people have
 3 volunteered to go.

4 BOARDMEMBER BLANK: The agreement was one
 5 person, so you guys decide among yourselves.

6 FACILITATOR BUFFORD: So you'll decide which
 7 of the two will attend the meeting. Why don't you talk
 8 about it and then get back to Roberta?

9 This gentleman had a comment.

10 BOARDMEMBER BALL: I'm sort of along the
 11 same line of a question here, and that is whether this
 12 alternative the Park Service is coming out with,
 13 limited excavation, the one Rob mentioned about a month
 14 ago, before some of us make comments in that direction,
 15 it would be nice if we knew that was a reasonable
 16 alternative as far as the Water Board is concerned. So
 17 maybe you could tell us at the next RAB meeting, the
 18 16th.

19 BOARDMEMBER BLANK: That's kind of toward
 20 the end of the comment period.

21 FACILITATOR BUFFORD: It's two weeks.

22 BOARDMEMBER BLANK: Yeah, that's a good
 23 idea.

24 FACILITATOR BUFFORD: Michael?

25 BOARDMEMBER ALEXANDER: I want to follow

1 this idea of cap or no cap and understand perhaps a
 2 little bit better what the possible consequences might
 3 be. As I understand it, John, when -- as you've
 4 explained, because a site is not homogeneous, there can
 5 be hot spots and you probably have to drill every inch
 6 to figure out if there really is one if you're going to
 7 find a problem as long as it's not migrating at this
 8 time, to find a problem within the landfill itself.

9 So instead, the previous way of doing things
 10 is to monitor groundwater and see if you're picking up
 11 problems in the groundwater. Now, regional water
 12 quality is concerned about groundwater because it's
 13 going to get into Lobos Creek and this is a drinking
 14 water supply. I understand that. A big priority
 15 there.

16 Another big priority is the ability to
 17 re-establish and expand this native plant site for an
 18 endangered species, which is right next door for the
 19 site we're discussing. Let's say we determine that
 20 you're going to do additional monitoring, you guys
 21 decide you're going to do additional monitoring and
 22 additional characterization of the site, and as a
 23 result -- your degree of confidence increases that
 24 you're not going to have a problem with the site.

25 So, you don't cap the site, and the Park

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1 Service comes in and we add, over time, sand to the
2 site and it gets sculpted in a way that lessingia just
3 loves and the lessingia area is expanded. And five
4 years from now we've got some nice lessingia growing
5 out there and you start getting hits in your wells and
6 we've got pollution unbeknownst before now migrating
7 towards Lobos Creek.

8 Now, in order to get that out, are you going
9 to have to dig up the landfill and wipe out the
10 lessingia which is still a listed species? I mean, I'm
11 trying to perceive what kinds of problems might we get
12 into down the line here, because this is after the
13 point and this is long-term. So can somebody --

14 BOARDMEMBER HORENSTEIN: I can answer that
15 really quick. Theoretically, yeah, you could have to
16 go in there and -- there are two alternatives, clean up
17 the contamination, or common ways to clean up
18 groundwater would be to pump it out; contain the plume
19 and pump it out. If you have a contribution from a
20 dump of unknown quantity, that probably wouldn't be the
21 right way to go. So, depending on the type of
22 contamination severity, you'd have a problem. And you
23 may not want to go in there and --

24 BOARDMEMBER ALEXANDER: So it might require
25 some pump and treat.

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1 break.

2 (Recess)

3 FACILITATOR BUFFORD: We'd like to
4 reconvene. The third item on our agenda is workshops.
5 There was a survey put out. Only four were returned.
6 We'd like to offer you a couple of options, either go
7 with what we have or have the rest of you submit your
8 list of workshops that you'd like to see held. Some of
9 you may have forgotten; that was a couple of RAB
10 meetings ago.

11 BOARDMEMBER HORENSTEIN: Can't we discuss it
12 and talk about the ones that were submitted and maybe
13 come with up with a consensus list, or is there not
14 enough time to do that now?

15 FACILITATOR BUFFORD: We would like for you
16 to submit them, but if you want to talk about it -- in
17 the interest of time, it certainly would work for the
18 benefit --

19 BOARDMEMBER HORENSTEIN: Then we'd wait
20 another two weeks before we have workshops.

21 FACILITATOR BUFFORD: Unless you want to
22 look at a committee that will determine which workshops
23 to come up with; that's another alternative.

24 BOARDMEMBER REINHARD: I just want to point
25 out that you did receive more than just six responses,

1 MS. SOPHER: There's a lot of alternatives
2 to cleaning up contamination. We're not saying the
3 source rule is the only way --

4 BOARDMEMBER HORENSTEIN: Except the problem
5 is when you don't know the source, when you haven't
6 characterized the extent of the source you don't want
7 to just pump and clean it up for the next 300 years.
8 So, that's what would present a problem, because the
9 landfill --

10 MS. SOPHER: There's other treatments you
11 can do that don't require pump and treat. I mean,
12 there's a lot of alternatives.

13 BOARDMEMBER HORENSTEIN: But given the
14 nature that you don't know the contamination by
15 remediation -- I mean, most of the other alternatives
16 would be pretty tough to have any sense of what you're
17 doing without going in there. I mean, it's not like a
18 petroleum tank and you spilled 500 gallons -- whole
19 bunch of solutions. This would be pretty tough.

20 FACILITATOR BUFFORD: Okay. This can go on.
21 And tomorrow the project managers will be meeting.
22 You'll have a representative there to provide input and
23 to listen and maybe present some of your concerns. And
24 if that is okay with you, I'd like to bring an end to
25 this No. 2 agenda item and give our reporter another

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1 that I wrote a letter initially laying out not only
2 ideas about the workshops, but procedure and the format
3 for doing the workshops, and I think that's equally
4 important.

5 And the idea I wanted to reiterate from that
6 letter was that the way in which workshops would be
7 conducted would be the people at the front presenting
8 the workshop would be representative of different
9 points of view on the questions that the workshops
10 presented. And I think that's equally as important as
11 the list of the workshops. That was my suggestion.
12 I'm not saying it is representative at all of the
13 community group, it was just my sole -- nobody voted on
14 that.

15 FACILITATOR BUFFORD: Okay. You did get
16 Rob's --

17 BOARDMEMBER WILKINS: Sure. That was a
18 suggestion that he made. But I think at this point,
19 folks, you need to come up with what you want to do for
20 workshops. Previously the community groups had agreed
21 to do a survey and provide that survey back to the
22 Army. We could take that and run with it and set up
23 the workshops accordingly at the dates and times that
24 you wanted to have it. We haven't got that response.

25 I think at this point you need to get the

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1 response back in to either me or the Public Affairs
2 Office or Rena Davies, or you establish a committee
3 like you did to come up with a list of possible
4 committees you want to work with, you establish some
5 committee to determine what workshops you want to have.
6 Otherwise, we don't have any workshops until such time
7 as you figure out what you want to have.

8 FACILITATOR BUFFORD: I'd like to ask that
9 each of you submit your list to the Army and take it
10 from there. I don't think we each --

11 BOARDMEMBER WILKINS: I think that would be
12 the easiest thing to do, you know. We get it in, just
13 like I said the last time; I can get the feedback out
14 to you and identify for you the topics of most concern
15 to the community members just based on an interest
16 point, and then we would set up workshops to whatever
17 dates and times you wanted those to be set up.

18 FACILITATOR BUFFORD: And Rob, as community
19 co-chair, your format certainly sounds feasible, and I
20 think you should work with the Army on that, on the
21 format.

22 BOARDMEMBER REINHARD: And my letter also
23 expressed our view of topics for workshops. So I
24 didn't submit it on that form, but I submitted a long
25 letter that expressed our interests.

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1 just because we just had a point of clarification.
2 This letter also is not accepted as an entire majority
3 vote of the community members. What we did was we
4 formed a committee on committees -- I'm sorry to use
5 that term. There were five of us that actually met,
6 and two people submitted their comments. It was our
7 function, as we understood it, to talk among ourselves
8 and come up with a proposal.

9 And the people who did this, the five plus
10 two -- well, I think we, you know, reached a consensus
11 that this was our suggestion. But it's not meant to
12 say that other community members might disagree with
13 this list of committees. What we did was started with
14 David's list. Some of the ideas on David's list seemed
15 interesting to us. We had one notable absence from
16 David's list. We didn't think it was worth having a
17 committee on the Public Health Service Hospital
18 because, you know, it's almost over with and here we
19 are, we are the committee right now. So just for
20 matters of efficiency we didn't take up that
21 suggestion.

22 We had a couple of other ideas, and so
23 before saying who wants to be on this committee --
24 first of all, I don't even know what the non-community
25 members think of that list, and, you know, maybe it

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1 BOARDMEMBER O'HARA: Excuse me, when you
2 say "our interests," whose interests are you speaking
3 of?

4 BOARDMEMBER REINHARD: The Presidio Council.
5 As I said, I was only --

6 BOARDMEMBER O'HARA: Would you qualify that,
7 then? Because you're not speaking for my interests.

8 BOARDMEMBER REINHARD: That's what I was
9 saying. My letter -- and I think I said this before --
10 did not have any vote, was not meant -- speaking as a
11 co-chair at all. It was an individual letter, and I
12 didn't mean to imply otherwise.

13 FACILITATOR BUFFORD: Thank you for that
14 clarification. And, again, I urge you to send your
15 surveys to David, and then the next RAB meeting we'll
16 have that list. He will turn those right around.

17 Item No. 4. There was a committee that got
18 together to develop a list of the committees that they
19 would like to see, subcommittees that will help to look
20 at -- standing committees, I'm sorry, is what Rob had
21 called them. I'd like to ask the co-chair if we can
22 take the time tonight to get people to volunteer for
23 these. Everyone has a copy? Everyone should have
24 received a copy of this list.

25 BOARDMEMBER REINHARD: Well, let me explain,

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1 will be modified.

2 FACILITATOR BUFFORD: There was a RAB
3 meeting held and Rob took the initiative to work with
4 some of the community RAB members after the actual RAB
5 workshop. And they stayed and they spent -- I'm not
6 sure, a couple hours, I'm sure, talking about what type
7 of committees might best work for this group. I asked
8 if everyone received this and I see some heads shaking
9 no. You didn't get a copy of that?

10 BOARDMEMBER CHAN: No. The only thing I
11 received for this meeting was this signature paper.

12 BOARDMEMBER REINHARD: I mailed that to you
13 personally.

14 BOARDMEMBER CHAN: I didn't get a receipt of
15 it.

16 FACILITATOR BUFFORD: Are you the only
17 person who didn't receive a copy?

18 BOARDMEMBER CHAN: Must be.

19 FACILITATOR BUFFORD: Okay. So now that we
20 all have a copy of this list, David is going to write
21 these suggested committees on the board and ask for
22 subcommittees. The purpose is for the group to look at
23 various activities that are going on in the cleanup
24 process and report back to the overall Board to
25 somewhat shorten the period that we've been meeting and

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1 to keep the progress going in terms of the information
2 flow, again, get certain people to work on the areas
3 that they're most concerned about. And the first one
4 is the main installation.

5 BOARDMEMBER WILKINS: Shirley, before you
6 get into that, does everybody agree with what the
7 committee on committees came up with? Are there any
8 other committees that people may want to have
9 established to your group that aren't listed here?

10 Because if there are, that's what this whole thing is
11 for. This is what your community committee came up
12 with, but if you're not satisfied with it or you want
13 to add to it, this is the time to do so.

14 As Rob was saying, this is a recommendation
15 from your committee on committees, and if there's
16 anybody else that has any input, now would be the time
17 to put it in. If you don't, maybe what you could do as
18 community members here is figure out which ones you
19 would want to have.

20 I would like to make a comment on this,
21 ongoing operations and buildings, and I want to explain
22 to you what the Army's position is on that. That is as
23 follows: The ongoing operations and buildings for the
24 Presidio is an operational issue. It's not a
25 restoration issue. If you wish to establish a

1 committee to discuss compliance operations and the like
2 of what's going on here at the Presidio, you're welcome
3 to do that. But keep in mind that your purpose is to
4 advise the BCT on restoration items. The BCT has
5 nothing to do with compliance issues.

6 The Army is going to have compliance issues
7 up to 30 September, and after that it's the Park
8 Service. So, if you want to establish a committee to
9 do that, that's fine, but you'll be wasting your time
10 as far as what the RAB is here for. And I recommend
11 that you not have that type of committee because it
12 wouldn't serve any purpose here.

13 BOARDMEMBER ALEXANDER: Can you explain why
14 -- I mean, compliance is certainly an important cleanup
15 issue. If laws are not being complied with, cleanup is
16 not going forward, then it doesn't matter what the
17 plans are.

18 BOARDMEMBER WILKINS: Well, there is a
19 difference between restoration and what's going on with
20 compliance. Compliance is what the installation is
21 responsible for on a day-to-day basis to comply with
22 regulations. That doesn't have anything to do with the
23 restoration program. There is a whole separate forum
24 that's used to discuss those issues, and the Army has
25 those on a regular basis with the Park Service called

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1 an Environmental IPR. That's where we discuss with the
2 agency that's getting a hand off to those issues how
3 that process is going to go.

4 BOARDMEMBER HORENSTEIN: Can you give
5 examples of what issues you're referring to?

6 BOARDMEMBER WILKINS: Like the water
7 distribution system, for example. We had to do testing
8 on the water distribution system. That's not something
9 that you advise the BCT on here. That's a compliance
10 issue.

11 BOARDMEMBER HORENSTEIN: And PDS compliance,
12 if there's --

13 BOARDMEMBER WILKINS: No, not PDS
14 compliance, surface water treatment regulations.

15 BOARDMEMBER ALEXANDER: But doesn't that
16 also apply, for example, for when the EPA came in and
17 found that you had this hazardous material stored, you
18 know, large quantities of hazardous materials stored,
19 they ordered you to clean up and fined you a half a
20 million dollars? Doesn't monitoring the compliance of
21 that order from EPA, isn't that of interest to us? If
22 a spill were to occur there --

23 BOARDMEMBER WILKINS: I'm sure that is of
24 interest to you and everybody else in the San Francisco
25 community. All I'm saying is this is not the forum to

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1 discuss that. If you have issues or concerns regarding
2 compliance, you can address those in the meantime to
3 the Director of Public Works, and they will respond to
4 your concerns. After 30 September you can address them
5 to the National Park Service, because then they'll be
6 responsible for the compliance issues on the
7 installation for the most part. Some of those will be
8 shared with the Army, but for the most part they'll be
9 handled by the Park Service.

10 BOARDMEMBER GEWERTZ: I think we're getting
11 into the same area we got into with the transfer,
12 whereas -- you know, I appreciate your comments and I
13 also perceive the fact that you're saying that if we
14 want to have that committee we should go ahead and have
15 it. And I think then we could make a decision, does
16 this impact R work. Are we interested in knowing about
17 this. Is it an environmental matter that has some part
18 in the restoration and what we're looking at.

19 So, I think it's good for you to comment on
20 it, but I think it's also good for us if we feel like
21 we need to have that committee to go ahead and have it
22 and then have those documents available and be able to
23 raise those questions -- while you may not listen to
24 our comments, but just to integrate it into the whole
25 process.

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1 BOARDMEMBER ROSSI: Let me just add a little
2 bit. Legislatively and the implementing regulations
3 and the follow on policy that's been issued by the
4 federal departments have made a clear distinction
5 between restoration, environmental restoration, and
6 environmental compliance. The policy that established
7 the RABs was developed as a follow on to the
8 legislation and the regulations that implemented the
9 President's five point program.

10 If you're interested in compliance, which
11 you could be -- and I have to support Dave in this
12 particular point -- it is not within the charter of the
13 RAB. The RAB -- once again I must state, I keep
14 referring to joint documents. This happens to be one
15 published by the Environmental Protection Agency which
16 says that stakeholders will provide advice to
17 decision-makers in an effort to accelerate the cleanup
18 and conversion of the installation. So, everything you
19 read on the RAB is aimed towards the reuse of the
20 property and the environmental restoration of that
21 property, not compliance.

22 BOARDMEMBER HORENSTEIN: But there could be
23 overlap; that's the issue.

24 BOARDMEMBER ROSSI: Hold on. There is an
25 additional fact here that you have to be aware of, and

1 I'm not trying to say exclude yourself from being
2 concerned about what happens with respect to
3 compliance, but the facts of the matter are that the
4 compliance ball goes with the agency that's going to
5 have the responsibility for operating the installation.

6 On 30 September -- actually, effective 1
7 October, the National Park Service assumes
8 responsibility for operating the Presidio, and the Army
9 is no longer responsible for operating the water plant
10 or water distribution or doing all of those other
11 things that may require environmental oversight in a
12 compliance mode.

13 So, if we need a committee to advise the
14 Park Service to ensure that they are complying with EPA
15 and all the other environmental regulatory agency
16 provisions, I think that may be a good way to do it,
17 but I can tell you it's outside of the charter of this
18 body.

19 BOARDMEMBER REINHARD: I'd like to make a
20 comment about the letter that we distributed. First of
21 all, we didn't just provide a title, compliance
22 operations bill. We provided a description which
23 included some mention of a number of different topics.
24 One of the topics includes asbestos and lead in
25 buildings, an item, by the way, which the Army has

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1 already listed and solicited comments on as a possible
2 workshop item.

3 So the entire scope of the committee, by the
4 Army's own statements, already includes some issues
5 which the Army itself has identified as a restoration
6 issue and which we mean as being part of a committee.
7 So, I don't want to lose site of that particular aspect
8 of the committee.

9 Then, responding to what Arnie was just
10 saying, even by the definition of what he read, I
11 believe that compliance is part of what we're talking
12 about, restoration. Because as Arnie said, what we
13 should be looking at are things that contribute to the
14 cleanup and reuse of the Presidio. Well, if a facility
15 or a building is not legally usable because it violates
16 some requirement, then to restore it to its legal
17 condition, and compliance condition is a concern, I
18 believe, of this Board.

19 And I want to make the point that I think
20 we've made before, that compliance is a very
21 significant measure of whether spills are likely or
22 threatening to occur. CERCLA is a statute which does
23 not address only actual releases; CERCLA says that it
24 can also address threatened releases. Releases are
25 threatened when facilities are out of compliance; it's

1 quite simple.

2 In fact, we heard a presentation earlier
3 this evening on the CERFA document -- we're not getting
4 into CERFA right now. What people are concerned about
5 are the histories of storage, release and disposal to
6 learn whether they should investigate further. And
7 that's what compliance discussion is about. Should we
8 inquire further because of compliance failures into
9 whether there is some concern about contamination?

10 So, I just don't see, by anybody's
11 definition, and especially the one Arnie read, why
12 these issues are so outside the realm of restoration.
13 They seem central to the idea of restoration.

14 BOARDMEMBER ROSSI: Well, you gave the
15 Webster definition of compliance, and I agree that,
16 yes, you must comply with regulatory requirements and
17 requirements in order to restore a parcel or whatever,
18 reuse or whatever you're going to use it. But the
19 definition of compliance and the application of the
20 environmental situation on an operating base is
21 slightly different. It talks about I have a plant. I
22 have a water distribution system. Is that particular
23 plant, is that water distribution system in compliance
24 with regulatory guidance with respect to the delivery
25 of that product? And that's it.

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1 And normally, usually, when you put it in
2 that context you have to advise the operating agency,
3 which in this case happens to be the Park Service. And
4 I have no problem with this body on 1 October giving
5 advice to the Park Service on how it is compliant or
6 not compliant with this water distribution system.
7 BOARDMEMBER REINHARD: Well, here's another
8 example. The EPA did a hazardous waste inspection, and
9 because of the numerous violations, while they did
10 their inspection they found that there was a spill of
11 polychlorinated BiPhenyls during that inspection. The
12 spill was not detected or noticed or talked about in
13 another context. That's a compliance issue.
14 BOARDMEMBER ROSSI: At that particular time.
15 At that particular time. Now, if there was a remedial
16 action to clean it up, then it becomes a restoration
17 issue.
18 BOARDMEMBER REINHARD: Yeah, but how are we
19 going to know about it?
20 BOARDMEMBER ROSSI: Well, they're going to
21 be told. If the Army is required to clean it up, then
22 it's a restoration issue.
23 BOARDMEMBER WILKINS: That's right.
24 FACILITATOR BUFFORD: Okay. It sounds like
25 there are differences in opinions on Item No. 3 I think

1 it is, ongoing operations and buildings, but there also
2 is some interest in some of the members wanting that
3 committee.
4 BOARDMEMBER REINHARD: Well, what about the
5 more narrow question of asbestos?
6 BOARDMEMBER MARTE-BAUTISTA: How many would
7 be interested, are you asking?
8 BOARDMEMBER REINHARD: No. Does the Army's
9 position extend to also the issue of asbestos in
10 buildings?
11 BOARDMEMBER WILKINS: It's a compliance
12 issue.
13 BOARDMEMBER REINHARD: Even though it was
14 one of the ideas you decided to workshop, and even
15 though it's one of the reports that has to do with
16 restoration; is that what you're saying?
17 BOARDMEMBER WILKINS: It's a compliance
18 issue.
19 BOARDMEMBER HORENSTEIN: It's a conversion
20 issue also, and that's even like the water system when
21 -- Arnie, you read that description, whatever it was,
22 you mentioned restoration and conversion. To me
23 conversion is an important word here, and conversion
24 deals with asbestos, could deal with upgrading of
25 potable water supply that's not meeting lead and copper

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1 rules. It could deal with this whole realm of things
2 that are now operating facilities but are integral to
3 the conversion of the Presidio for reuse, to accelerate
4 the reuse process. So it makes sense to me to be
5 involved in these issues. They --
6 BOARDMEMBER WILKINS: I'm encouraging you to
7 be involved. All I'm saying is this body is not the
8 forum in which to do that. If you as a community group
9 want to have a committee to provide input to the Army
10 up until 30 September and the Park Service thereafter,
11 that's fine. You can do that. But it's not a
12 restoration issue that --
13 BOARDMEMBER HORENSTEIN: But a conversion
14 issue, perhaps.
15 BOARDMEMBER GIRARDOT: I wanted to make a
16 comment from my experience on the Hunter's Point RAB.
17 We have a contracting and employment subcommittee of
18 the Hunter's Point Restoration Advisory Board, and from
19 the words you can tell that has nothing to do with
20 restoration. But the reason we have it is that is what
21 the community members wanted.
22 And guess what? It's great, because every
23 time that issue comes up at the meeting the Navy can
24 say, "That's not an issue for here. Why don't you go
25 talk about it in the subcommittee," and you can throw

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1 the things to the subcommittee and it frees up your
2 time here. But if you guys want to have it, have the
3 subcommittee, and every time Dave doesn't want to talk
4 about the issue, you can talk about it in your
5 subcommittee and deal with it another time.
6 FACILITATOR BUFFORD: That's another
7 example, but again, let's get back to the interest of
8 this particular committee. There seems to be a great
9 interest here.
10 BOARDMEMBER MARTE-BAUTISTA: Could I just
11 ask how many would be interested in this No. 3
12 committee? I would. How many already is in this
13 group?
14 BOARDMEMBER REINHARD: Sol Levine has
15 expressed interest in that.
16 FACILITATOR BUFFORD: Several people have
17 expressed interest, obviously, tonight. Can I ask if
18 there are any additions to this list? Does it look
19 complete?
20 BOARDMEMBER ROSSI: What's your organization
21 committee going to do?
22 BOARDMEMBER HORENSTEIN: I think there is a
23 description.
24 BOARDMEMBER MEYERS: The description that
25 was in the write-up is a short-term committee to review

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1 and help establish the charter for the RAB.

2 BOARDMEMBER ROSSI: So it's a short-lived
3 committee; once it does what it does --

4 BOARDMEMBER MEYERS: That's what the
5 original proposal was, yeah.

6 FACILITATOR BUFFORD: Operating procedures.

7 BOARDMEMBER ROSSI: I'll volunteer for that.

8 BOARDMEMBER HORENSTEIN: Because it's
9 short-lived --

10 BOARDMEMBER ROSSI: Because it's short-lived
11 and it going to establish some ground rules to get this
12 thing organized.

13 FACILITATOR BUFFORD: Again, I ask if there
14 are any additions to the list that the community
15 co-chair has put together? And if not, can we ask you
16 to work with the community co-chair and decide what
17 committee you'd like to participate on and report back
18 to the Army? Would that work for you, Rob?

19 BOARDMEMBER REINHARD: That's Fine. If
20 anybody wants to convey to me --

21 FACILITATOR BUFFORD: You may want to look
22 at it and discuss it and talk about leadership, et
23 cetera.

24 BOARDMEMBER REINHARD: I just want to pass
25 on a comment that I received from some of the

1 government members of the Restoration Advisory Board in
2 the original distribution that David assigned certain
3 people to be on certain committees. I don't think they
4 all want to necessarily be on all the committees. So I
5 think either David or someone on the government side
6 needs to make sure which of the government members want
7 to be on each committee.

8 BOARDMEMBER WILKINS: Well, let me clear
9 that up for everybody here. When I published that
10 suggested committee list last time that wasn't
11 assigning anybody to specific committees. All I did
12 was identified the technical experts who had expertise
13 in each of those areas. For example, Scott Nakamura
14 who represents the Department of Public Health for the
15 City and County of San Francisco I had down for the
16 UST/FDS and the 637 area, because that's their main
17 focus. He's not really concerned about what's going on
18 with the main installation or the other thing. That's
19 the only reason those persons' names were listed there
20 next to the specific program area. It wasn't an
21 assignment of duties or responsibilities. It was just
22 to let you know who the technical experts are for the
23 program areas.

24 BOARDMEMBER ALEXANDER: Point of
25 information, speaking of city representatives -- was

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1 there a city representative here tonight? Oh. Sorry.

2 BOARDMEMBER REINHARD: I just wanted to ask
3 one more thing of the community members, I mean,
4 besides were there any additional communities, was
5 there any feeling that maybe these would be less, or
6 these were not the committees that everybody wanted,
7 or did the committee on committees do its job, I guess
8 is what we're asking.

9 BOARDMEMBER ALEXANDER: Yes.

10 FACILITATOR BUFFORD: I'm getting yes, and
11 they would like to work with you on signing up for
12 those committees that are of particular interest.

13 BOARDMEMBER STUHMILLER: Is the main
14 installation -- or is this one portion of these
15 committees that's going to deal with Crissy Field?

16 BOARDMEMBER REINHARD: That would be the
17 main installation.

18 MS. SOPHER: Isn't that part of the UST
19 Program?

20 BOARDMEMBER ALEXANDER: Well, the UST
21 Program can go all over.

22 MS. SOPHER: No, but the 637 investigation
23 is part of the UST Program. The RI maybe can turn it
24 over to the Corps of Engineers since we knew they would
25 be doing cleanup.

1 BOARDMEMBER REINHARD: We thought it would
2 be in the second committee.

3 FACILITATOR BUFFORD: So talk to your
4 community co-chair, sign up for one of these standing
5 committees, and at the next RAB meeting we'll get that
6 report from Rob.

7 New business. I'd like to take just a few
8 minutes to identify actions to be completed prior to
9 the next meeting. I've listed, from our discussion
10 tonight, a report on CERFA and the meeting between the
11 Department of the Interior and the Department of the
12 Army. There will be a report on their meeting and the
13 outcome of that, hopefully at the meeting?

14 BOARDMEMBER WILKINS: I don't think so.

15 FACILITATOR BUFFORD: Well, that's a
16 follow-up item, and we need to monitor when those
17 negotiations happen. Roberta presented an alternative
18 for the Public Health Service Hospital, and she wants
19 you to look at not only the recommended alternatives
20 but possibly some other alternatives. And there is a
21 program managers' meeting tomorrow morning, and I don't
22 know which of the community members will be attending.
23 There will be Bennett.

24 Also I'd like to encourage you to submit
25 your surveys on workshops. There have been six

1 submitted so far. So, we'd like to get a feel for what
2 the rest of the members want in terms of presentations
3 and training. So if you could get those in, we'd
4 appreciate it. Again, talk to your community co-chair
5 about those committees you'd like to participate on,
6 and if you have suggestions for other committees, let's
7 work with Rob on that.

8 I'd also like to remind you Mr. Rossi
9 suggested that I remind the entire community RAB
10 members that there is a training that the Department of
11 Defense is giving on August 15th and 16th in San
12 Francisco. We're very lucky to have Bennett represent
13 Northern California. He'll be speaking about his
14 involvement with the RABs, and our co-chair will also
15 be attending along with the base cleanup team and the
16 regulatory agencies. That will be held at the Hilton
17 on the 15th and 16th.

18 BOARDMEMBER MEYERS: Are we allowed to come?

19 BOARDMEMBER ROSS: The invitations were
20 limited to five, but because we are local and there's
21 no travel involved and we're not staying at the hotel,
22 I think that maybe if those of you interested in
23 attending if you let -- where is Dave? He's going to
24 have to do that.

25 FACILITATOR BUFFORD: Are you interested?

1 BOARDMEMBER ROSS: Let him know and we can
2 then ask the DoD -- and the EPA, by the way; the DoD
3 and EPA are putting this thing on together -- whether
4 or not we can have some additional positions rather
5 than just the five they gave us. So if you would, send
6 a note to Dave.

7 FACILITATOR BUFFORD: Okay. The next RAB
8 meeting?

9 BOARDMEMBER HORENSTEIN: I have a
10 recommended item for the next meeting that was on here,
11 and that's the Public Health Service Hospital. I
12 really liked the presentation tonight by the
13 representative from the Interior. Maybe what we can do
14 is have people -- and it seems a lot of people have
15 different issues -- present their issue to the other
16 people to kind of communicate and share their concern,
17 and maybe in a way to get more people to comment on
18 particular issues, because that seems to be the real
19 critical process. So maybe kind of an open floor for
20 people to have a few minutes to present what they see
21 as issues.

22 FACILITATOR BUFFORD: Okay. I'd like for
23 you to work with your community co-chair on that, he
24 and the Army co-chair, come up with the agenda. So,
25 I'd like to say that if we keep our agenda a little

1 shorter we can have longer discussions. But if you
2 want to go until midnight, we could.

3 BOARDMEMBER REINHARD: I thought this was a
4 good meeting.

5 FACILITATOR BUFFORD: So with that, I'd like
6 to adjourn, and thank you.

7 (Adjournment)

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1 STATE OF CALIFORNIA)
2 COUNTY OF ALAMEDA) SS

3
4 I, Jill Anne Stephenson, Certified Shorthand
5 Reporter, do hereby certify:

6
7 That the foregoing proceeding was taken by me at
8 the time and place therein named; and

9
10 That the same was taken in shorthand and thereafter
11 transcribed into typewritten transcription.

12
13 I further certify that I am a disinterested party
14 to said action and in no way interested in the outcome
15 thereof no connected or related to any of the parties
16 thereto.

17
18 IN WITNESS WHEREOF, I have hereunto set my hand and
19 affix my official seal of office this 23rd day of May 1994

20
21
22 
23 Jill Anne Stephenson

24 CLARK REPORTING
25

ue

1 THE RESTORATION ADVISORY BOARD MEETING

4 AGENDA ITEMS:

5 VOTE FOR COMMUNITY CO-CHAIR

6 VOTE FOR COMMITTEES

7 WORKSHOP TOPICS AND FREQUENCIES

8 PUBLIC COMMENT ON DOCUMENTS FOR PHSH

9
10 **CERTIFIED COPY**

12 TUESDAY, AUGUST 16TH, 1994

13 HELD AT

14 S.F. STATE UNIVERSITY

15 SAN FRANCISCO, CALIFORNIA

16 7:00 P.M.

18
19 REPORTER'S TRANSCRIPT OF PROCEEDINGS
20 BY JILL ANNE STEPHENSON CSR 8562

22 CLARK REPORTING

23 2161 SHATTUCK AVENUE, SUITE 201

24 BERKELEY, CA 94704

25 (510) 486-0700

1 RESTORATION ADVISORY BOARD MEMBERS:
(COMMUNITY AND TECHNICAL)

5 MICHAEL ALEXANDER

6 HAROLD BALL

6 JANETTE BAXTER

7 ROBERTA BLANK

7 SAUL BLOOM

8 J. DENNIS BONNEY

8 GREG BRIDGESTOCK

9 JOHN BUCK

9 DEXTER CHAN

10 ROMY FUENTES

10 HEIDI GEWERTZ

11 JOAN GIRARDOT

11 MICHAEL HEALY

12 BENNETT HORENSTEIN

12 DOUG KERN

13 WILLIAM LEE

13 SOL LEVINE

14 ANDREW LOLLI

14 BRUCE MCKLERoy

15 HELEN MARTE-BAUTISTA

15 BRUCE MCKLERoy

16 JAN MONAGAHN

16 WILLIAM LEE/SCOTT NAKAMURA

17 PETER O'HARA

17 ROBERT REINHARD

18 ARNOLD ROSSI

18 LARRY STUHL MILLER

19 BURNET SUMNER

19 LYNN SUER

20 ELLIS WALLENBERG

20 MARTHA WALTERS

21 DAVID WILKINS

21 MICHAEL WORK

4
1 place or a stable meeting place so we don't have to
2 use a map to find out where we're going all the time.

3 Here's what I understand are some of the
4 results of the effort to try to find a stable
5 location. There are two alternatives that seem
6 available and accessible to us to solve this problem.
7 One is if we are willing to change our meeting time
8 from Tuesday nights to Thursday nights, then the Army
9 is able to make available as a secure location the
10 Officers' Club. That's where we had that workshop.
11 Not the same part of the Officers' Club, actually a
12 nicer part. So, that's one alternative that I
13 understand actually involves some slight expense to
14 the Army.

15 Another alternative is that the Presidio has
16 offered a stable location at Fort Mason where the
17 GGNRA Advisory Committee meets, and that is that sort
18 of Victorian building almost at the entrance. That
19 can be available on any day. Both of the locations
20 are wheelchair accessible and I think equally
21 desirable. It's just a matter of us all saying which
22 we choose, I think.

23 So does anybody have any strong feelings one
24 way or the other?

25 BOARDMEMBER LEVINE: What about the time?

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3 PROCEEDINGS

2 BOARDMEMBER REINHARD: We can officially
3 begin, I guess. Let me just say that the reason I'm
4 announcing the beginning of the meeting instead of
5 David is we've just agreed to alternate that
6 function. So next month or the next meeting, I
7 guess, is something we need to decide. David will be
8 doing this thing also.

9 I also wanted to mention that Bob Chandler
10 is here who is the general manager of the Presidio,
11 for the Presidio. And Bob, as I understand it, is
12 interested to observe the workings of the Restoration
13 Advisory Board and is available for questions. I
14 know a lot of you may have certain questions about
15 some events that have occurred recently, although not
16 officially on the agenda tonight. Maybe that item
17 could be on a future agenda, but also I want to make
18 everybody aware that he was here this evening, and if
19 people do have things they want to ask about, let's
20 bring them up, maybe under another time.

21 Just to get to the first item on the agenda
22 about the RAB location, I wanted to start that item
23 off by making an announcement, and maybe we can take
24 care of that fairly quickly, and that is, everybody
25 has been asking whether we can have a single meeting

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1 BOARDMEMBER WILKINS: It would be the same.

2 BOARDMEMBER MONAGAHN: I have a conflict on
3 Thursday.

4 BOARDMEMBER ALEXANDER: As to the place,
5 I've said before, I think the things we ought to be
6 looking for are not only accessibility of the
7 building but ease of getting to the building, that
8 the building be a known location, and that it be free
9 as possible, because all of this money comes out of
10 the same pot, and what we use it for takes away from
11 the money available for actual cleanup.

12 On those grounds, I think that Fort Mason is
13 more accessible, particularly by public transit. The
14 city is almost accessible by public transit at night.
15 The building has been offered for free, and it's been
16 offered to the public because the GGNRA advisory
17 meeting has been meeting there for the past 25 years.
18 I would support going there.

19 BOARDMEMBER BAXTER: Which makes the best
20 parking for those of us who drive?

21 BOARDMEMBER REINHARD: I think they're both
22 equally good as far as parking.

23 BOARDMEMBER ROSSI: That time of the evening
24 I think both would be accessible. If you go there at
25 2:00 in the afternoon, that would be a different

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1 story.

2 FACILITATOR BUFFORD: We didn't officially
3 open the meeting, but I would like to say welcome to
4 everyone, the audience as well, and to introduce
5 myself. My name is Shirley Bufford. I am a
6 representative from the Department of Toxic
7 Substances Control, Public Participation Office. And
8 Rob has just asked me to try to get a vote on which
9 location would be best for the group. We've already
10 heard that one person has a conflict on Thursday, and
11 so that may --

12 MR. HENDERSON: I have a conflict on
13 Thursday too.

14 FACILITATOR BUFFORD: And the Officers' Club
15 is only available on Thursdays; is that correct?

16 BOARDMEMBER ALEXANDER: On Thursday I have a
17 conflict.

18 FACILITATOR BUFFORD: And the GGNRA building
19 is any day. So, can we get a show of hands for --
20 that's acceptable to everyone. And then we'll keep
21 meetings on Tuesdays at 7:00 o'clock. Excellent.
22 First agenda item. And then, again, can we give them
23 the location address?

24 BOARDMEMBER REINHARD: Have we decided which
25 one?

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1 FACILITATOR BUFFORD: Tuesday. There are
2 several conflicts on Thursdays, and I guess --

3 BOARDMEMBER WILKINS: Did you mention that
4 this room is also available? This, where we're at
5 right now, this will be continually available should
6 we decide to keep it, and this room doesn't cost
7 anything either.

8 FACILITATOR BUFFORD: Okay. So we have a
9 third choice. You like this location?

10 BOARDMEMBER BAXTER: I think we should have
11 a show of hands.

12 FACILITATOR BUFFORD: Okay. The McLaren
13 building, can I get a show of hands? GGNRA building?
14 If it's okay with the people who voted for this room,
15 we'll go with the GGNRA building. Now, can I get an
16 address for that? Fort Mason.

17 BOARDMEMBER REINHARD: The entrance to Fort
18 Mason where this is is at Bay and Franklin, the big
19 gated entrance to Fort Mason. When you drive in,
20 like a hundred feet or so off to the left you'll see
21 this large sort of the Victorian looking building
22 which is the place we're describing. It's on the
23 first floor, and when you go in the main entrance the
24 room we're talking about is off to the left. Since,
25 Michael, you were the one who reported about its

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1 availability, can you secure it or make sure that
2 they know we're showing up, whenever we are doing
3 that?

4 BOARDMEMBER ALEXANDER: Sure.

5 FACILITATOR BUFFORD: And the schedules, do
6 you have a schedule of the next RAB meetings?

7 BOARDMEMBER REINHARD: Well, originally, I
8 think a couple of meetings ago, we decided initially
9 we needed to meet every two weeks on the early

10 meetings and see later whether we needed to go down
11 to once a month. So is it still everyone's intention
12 that they want to meet two weeks from now, or do you
13 want to have another schedule for the next meeting?
14 If we have one in two weeks, that would put
15 us, like, I guess at the very end of the public
16 comment period on the Public Health Service Hospital,
17 not exactly the end, and of course we have a lot of
18 other things we want to get on to as well, but just
19 to put some context on the date ...

20 BOARDMEMBER BAXTER: Am I to assume you
21 think we might want to discuss comments on the Public
22 Health Service Hospital on the next meeting date?

23 BOARDMEMBER REINHARD: I think it's likely
24 there is a possibility of that.

25 BOARDMEMBER LEVINE: We're meeting on

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1 Thursday on that?

2 BOARDMEMBER REINHARD: Well, we're not
3 meeting, but in two days the official public hearing
4 for the Public Health Service Hospital is going to be
5 conducted by the Army and by the State of California,
6 I guess. But that's not a RAB meeting. That's an
7 open public meeting for public comment.

8 FACILITATOR BUFFORD: So the 30th would be
9 the next meeting for the RAB.

10 BOARDMEMBER BUCK: I have a conflict on that
11 date.

12 BOARDMEMBER WILKINS: Can we take a show of
13 hands on that? Because right now the future meeting
14 dates are the third Tuesday of each month. So, for
15 example, the next one would be scheduled for
16 September 20th. So if we're going to have another
17 meeting two weeks from now, can we get a show of
18 hands?

19 BOARDMEMBER HORENSTEIN: I thought we
20 decided we would go on an every other week basis
21 until decided otherwise.

22 FACILITATOR BUFFORD: I see heads shaking.
23 So the 30th of August, can I see your hands, those of
24 you who understand that that's when you want to meet
25 and you do still want to meet, on the 30th? Okay.

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1 So, the next meeting will be August 30th at the GGNRA
2 building at upper Fort Mason.

3 BOARDMEMBER REINHARD: And Michael will
4 secure that location.

5 FACILITATOR BUFFORD: And Michael will
6 secure the location, and you'll make sure that it's
7 available on those Tuesdays.

8 BOARDMEMBER ALEXANDER: Yes.

9 FACILITATOR BUFFORD: Thank you. The next
10 item is we got the survey for the workshops back and,
11 David, did you want to talk about this a little bit
12 in terms --

13 BOARDMEMBER WILKINS: Only to mention that
14 not even half of the community members responded to
15 it, but for those who did respond, the results are as
16 shown. So rather than defer this or otherwise delay
17 getting this organized, since it seemed like the
18 majority of the community members wanted workshops
19 but for whatever reason did not necessarily respond,
20 my recommendation is we go with those that did
21 respond and that the Army would be prepared to
22 organize and put those together in conjunction with
23 community members who wanted to be involved in that.
24 We just need to know when, so that we can get the
25 appropriate logistics put together to do that.

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1 There are a couple of people who have conflicts or --

2 BOARDMEMBER ALEXANDER: Maybe we can try
3 something another day and work out the conflicts. I
4 actually have a continuing Tuesday conference the
5 next two months.

6 BOARDMEMBER REINHARD: Let me mention that
7 tonight, for example, both Heidi and Dexter said they
8 couldn't come for a particular reason, and I expect
9 some of us at some time or another are going to have
10 a problem with some night. So I think we should be
11 flexible about people having to come every single
12 time. And I think that's understood, that people are
13 going to have trouble meeting every single time. But
14 we need to keep going with the full meeting.

15 FACILITATOR BUFFORD: Did I see two hands
16 from the Army? Do you have a conflict on the
17 Thursday?

18 BOARDMEMBER BUCK: Yes, but I can have maybe
19 Elizabeth come in my stead.

20 FACILITATOR BUFFORD: So we'll go with the
21 next meeting, the next RAB meeting for the 30th, and
22 we'll continue to try to narrow it down and get a
23 schedule of dates in advance so that we all know
24 exactly when those are. But we'll continue to try to
25 do them on every other Tuesday until otherwise noted.

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1 FACILITATOR BUFFORD: Will the workshops be
2 held at the same location as the RAB meeting? Would
3 that simplify this whole process?

4 BOARDMEMBER WILKINS: That simplifies
5 everything, yes.

6 FACILITATOR BUFFORD: Okay. And are there
7 any comments or concerns about the workshops?

8 BOARDMEMBER BAXTER: I have a question.
9 When you say the five most important topics, was that
10 based on how many people asked for the same topic?

11 BOARDMEMBER WILKINS: Yeah, based on the
12 survey, right.

13 BOARDMEMBER REINHARD: I have a comment --
14 and I'm speaking now as a member of the Presidio
15 Council, not as a person sitting here -- and that is
16 I just wanted to underline again that when we sent in
17 our comments and talked about this idea of workshops,
18 we stressed the needs that the people who conduct the
19 workshop or who are presenting the agenda for those
20 workshops be representative of different points of
21 view.

22 We were personally not satisfied with the
23 setup and format for the one workshop we've had
24 already on the Public Health Service Hospital and we
25 wanted to have -- for example, if somebody was going

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1 do a workshop on relative laws and regulations,
2 that if somebody from the Army JAG for example, were
3 going to do that, that there would also be a
4 community member also presenting and not just
5 somebody from the community like in the audience able
6 to ask questions or give comments, but actually
7 presenting material. We feel that that balance is
8 important.

9 FACILITATOR BUFFORD: So it sounds like you
10 want a panel, people who have expertise in these
11 topics.

12 BOARDMEMBER REINHARD: Well, I don't know if
13 it has to be a huge number, but I'm saying a
14 representative number.

15 FACILITATOR BUFFORD: And you'll work with
16 David in terms of organizing these workshops and then
17 soliciting the type of expertise that you think
18 will --

19 BOARDMEMBER REINHARD: Well, I could, and we
20 did offer to do that, so that would be fine.

21 BOARDMEMBER HORENSTEIN: Are there any other
22 comments on this?

23 BOARDMEMBER BAXTER: As to what use the
24 subcommittee we have for public relations and
25 education, what part they're going to play in setting
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1 up and organizing workshops, it seems to be their
2 area of responsibility.

3 BOARDMEMBER REINHARD: That's a good
4 question. Just to maybe skip ahead of little on the
5 agenda because committees are next, people did report
6 a little about their interest of signing up for
7 committees to meet. As a matter of fact, no one
8 expressed an interest in being on the public outreach
9 committee yet, but that's not to say they won't. But
10 you're right; that, I think, could be a very useful
11 part of that committee's charge, to look at those
12 issues, and why not?

13 BOARDMEMBER BAXTER: So I would suggest that
14 you wait until you get one or two bodies on that
15 committee and work with David in organizing how to
16 get Dave's viewpoints and what topics to do. These
17 five topics are probably the most important topics,
18 but how do you go about organizing it.

19 BOARDMEMBER REINHARD: Well, I think one of
20 David's questions is when do you want to do them, and
21 I think that's maybe not such an easy question to
22 answer.

23 BOARDMEMBER WILKINS: That's the most
24 important question to answer. I mean, it's not going
25 to be that difficult to put the meeting together,
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1 however way, whatever way the community members think
2 that it would be the best way for them to receive
3 information or have a discussion or whatever. I just
4 need to know when so that I can get the logistical
5 situation straightened out to allow this thing to
6 happen.

7 BOARDMEMBER BAXTER: I would assume after
8 the subcommittee is formed they could get in touch
9 with you.

10 BOARDMEMBER WILKINS: Are you still sending
11 around that list?

12 BOARDMEMBER REINHARD: I was going to do
13 that.

14 BOARDMEMBER LEVINE: Maybe we ought to do
15 that after you send the list.

16 BOARDMEMBER WILKINS: Identify dates when we
17 want to do this, because that's what I need to know.

18 BOARDMEMBER HORENSTEIN: At least the first
19 one.

20 FACILITATOR BUFFORD: Have the entire RAB
21 work on scheduling the first one, and then the
22 subcommittee follow-up. Okay. Is that agreeable
23 with everyone? Anyone have -- David has a note here
24 about 30 days from today, at least, for the workshop.

25 BOARDMEMBER HORENSTEIN: I have a comment.
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1 I would like ideally to keep to the same day of the
2 week that the RAB meetings are. We could just say
3 Tuesdays are almost designated to this purpose, and
4 do other things on other nights, have a life.

5 BOARDMEMBER REINHARD: I have one other
6 comment. I'm not sure how the categories of the
7 workshops were determined. I know what I sent in as
8 my proposal, but I think Items 1 and 3 actually
9 belong in the same workshop and can be effectively
10 dealt with together.

11 FACILITATOR BUFFORD: Well, you're
12 organizing the subcommittee.

13 BOARDMEMBER REINHARD: But I don't know if
14 that's -- I mean, since other people sent in their
15 comments this way, I don't know if that's the view of
16 others.

17 BOARDMEMBER LEVINE: Where would we be
18 meeting?

19 FACILITATOR BUFFORD: We just asked if it
20 would be okay to meet at the same location as the
21 other RAB meetings, the GGNRA building.

22 BOARDMEMBER STUHMILLER: Why don't we say
23 five weeks from today we'll hold our first meeting.
24 That will get us past this and we can decide what
25 else we need to do.

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1 FACILITATOR BUFFORD: There has been a
2 recommendation that the first workshop be held on
3 September the 20th. Are there any objections to that
4 day?
5 BOARDMEMBER BAXTER: Same time?
6 FACILITATOR BUFFORD: Same time, same
7 location, Tuesday.
8 MR. HENDERSON: Do you know what workshop,
9 because some of us are going to be interested in it
10 and some are not.
11 BOARDMEMBER BAXTER: Can't you decide on the
12 topics?
13 FACILITATOR BUFFORD: Yeah. What Jan's
14 suggestion is is that the subcommittee work out that
15 issue and then work with David and work out the title
16 and recommend a panel.
17 BOARDMEMBER HORENSTEIN: By the next RAB
18 meeting.
19 FACILITATOR BUFFORD: Rob does have a
20 sign-up sheet for the subcommittees and he's going to
21 try to get those formed tonight. So hopefully you
22 will be able to have that by the next meeting.
23 BOARDMEMBER REINHARD: I just want to ask --
24 I don't know who walked in. Did you get a copy of
25 this list we're talking about of the workshop survey
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1 results? Okay.
2 BOARDMEMBER BUCK: Has the topic of the
3 first workshop been decided, or is it No. 1?
4 FACILITATOR BUFFORD: The topic, Jan
5 suggested, should be decided by the subcommittee.
6 And they were hoping to get that organized tonight.
7 Rob has a sign-up list that's going around and he's
8 working hard trying to get people to sign up. That's
9 the one committee that's not formed yet. So
10 hopefully that will happen. And Jan has proposed
11 that that committee make the decision on the topic.
12 BOARDMEMBER BAXTER: I would assume they'll
13 use the survey results as well as anything else in
14 doing it. So chances are that would be likely, but I
15 don't want to speak for a committee that isn't in
16 existence yet.
17 FACILITATOR BUFFORD: Then there was also a
18 recommendation this be done before the next RAB
19 meeting, so, that would be announced at the next RAB
20 meeting. So between now and then the committee will
21 get formed and then work with David on organizing the
22 workshop.
23 BOARDMEMBER WILKINS: Whatever the topic is,
24 I mean, that's what's driving the train on the 30-day
25 thing. So if they don't decide for two weeks what
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1 that's going to be, then it's going to be 30 days
2 after that the workshop will be conducted.
3 BOARDMEMBER REINHARD: I think we should
4 hold the possibility we won't get a lot of people
5 signing up for a committee tonight, and we should
6 come to some closure on this. As David says, if we
7 don't, it's awkward to make that happen.
8 BOARDMEMBER HORENSTEIN: Why don't we select
9 the first topic.
10 FACILITATOR BUFFORD: The number one topic
11 is relevant laws and regulations concerning cleanup.
12 BOARDMEMBER REINHARD: With my proposal that
13 No. 3 also be part.
14 FACILITATOR BUFFORD: That No. 1 and No. 3
15 be part of the same workshop.
16 BOARDMEMBER LEVINE: That would be a good
17 idea. That would be sufficient for the first
18 workshop.
19 FACILITATOR BUFFORD: Any objections to
20 that? All agree? Good. Jan?
21 BOARDMEMBER BAXTER: I don't mind.
22 FACILITATOR BUFFORD: The RAB members
23 present have agreed to hold the first workshop on
24 Tuesday September 20th and the title will be a
25 combination of one and three on the survey list, and
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1 that will be at 7:00 o'clock again at the GGNRA
2 building.
3 The next agenda item is committees. Rob
4 will take that.
5 BOARDMEMBER REINHARD: I have a survey
6 results report also. A few people on the community
7 list of people responded about their committee
8 interests. I don't think everybody had a chance to
9 do that, and I know that the government
10 representatives also need to decide which ones they
11 want to be on. So I just brought the list that I
12 have so far with people's names penciled in, and I
13 thought I'd just pass this around, so that now might
14 be an opportunity for people to complete signing in
15 their interests. And once this is done, we can take
16 a look at the list and get going on these committees.
17 So why don't I start passing this around?
18 I just want to remind people right now there
19 are four committees, the main installation, which, of
20 course, have received the most interest; underground
21 tanks and petroleum-related issues; an ad hoc
22 committee on organizational issues which would look
23 at things like some of the problems we have about the
24 RAB setup or things went to set as rules for
25 ourselves, because no rules are exactly created; and
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1 then a committee that probably has an awkward
2 sounding name, public liaison and outreach, which can
3 encompass a lot of things, including what Jan just
4 mentioned, contact with other restoration advisory
5 boards, any kinds of public outreach efforts that
6 people feel are interesting or necessary for this
7 Presidio effort.

8 And again, talking as a representative of
9 the Presidio Council, I just want to say that we feel
10 also that we will have continued discussion later on
11 in our proposal, that there be another committee
12 having to do with building and compliance. All that
13 is not up for discussion at the moment.

14 BOARDMEMBER BAXTER: I have to admit, I
15 didn't make the last meeting when these committees
16 were discussed, so could somebody give a summary as
17 to what was decided, just those four ones -- was
18 there a fifth? And weren't there any suggestions?

19 BOARDMEMBER WILKINS: A committee was formed
20 to determine committees, and that committee came up
21 with those that Bob just mentioned. The one that was
22 in controversy was the one that was eliminated from
23 being a committee, which was buildings and
24 operational compliance issues. So we're left with
25 four committees that the membership agreed would be
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1 Board, I'm not in a position to discuss any of those
2 issues. So that's all I'm saying. If the community
3 wants to have that type of committee, that's fine.

4 BOARDMEMBER HORENSTEIN: At a workshop I
5 attended yesterday, which I hope to do a longer
6 briefing on later, one issue that came up is a lot of
7 the RABs have the same question on scope of RABs.
8 And it was felt that because the RAB is the community
9 representation on restoration and conversion that the
10 RAB should be -- should decide what the scope is
11 because those are the community's interests. And the
12 Army should either be able to answer the questions
13 that come out of that or direct them to the
14 appropriate place to find the answers and support
15 them in that process.

16 BOARDMEMBER WILKINS: Which is what I said
17 that the Army is prepared to do, but I said that I,
18 who represents the Army at this Board, was not in a
19 position to address, answer or discuss any of those
20 issues with regard to that --

21 BOARDMEMBER HORENSTEIN: But you would
22 support the RAB in finding where we could find the
23 answers to our questions on these issues.

24 BOARDMEMBER WILKINS: Sure. There are
25 agencies that are involved in dealing with those
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1 the committee they would want to have for the Board.

2 BOARDMEMBER BAXTER: So it was a vote to
3 eliminate the fifth one?

4 BOARDMEMBER REINHARD: No, it was a
5 conclusion by the Army that they would not entertain
6 the idea of that committee because -- and I'm just
7 relaying their view, so I should be corrected if I'm
8 repeating it incorrectly -- that those were
9 considered not restoration issues. We objected to
10 that, of course.

11 BOARDMEMBER BAXTER: That was the committee
12 that had sort of everything else thrown in, sort of
13 like the kitchen sink committee. It had the alleged
14 problem on the bridge district, the asbestos and lead
15 in buildings and compliance with environmental laws
16 issues; is that correct?

17 BOARDMEMBER REINHARD: Yeah.

18 BOARDMEMBER HORENSTEIN: And where does it
19 say that The Army decides what committees are
20 appropriate or not?

21 BOARDMEMBER WILKINS: The Army didn't decide
22 what committees are appropriate. What I said was
23 that if this community group wants to have a
24 committee on that, that that's totally up to them,
25 but the Army -- and me representing the Army at this
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1 issues -- I mean, you can find out where they are and
2 go talk to them.

3 BOARDMEMBER REINHARD: We have a greater
4 concern. Again, I say "we," the Presidio Council.
5 Again, at the last meeting I agreed or I understood
6 that we weren't able to resolve that problem then,
7 but I wanted to make clear again that our position is
8 those issues are squarely within the context of the
9 Restoration Advisory Board discussion, not just
10 whether we're going to have a committee, but those
11 are topics that could appear on the agenda of our
12 meeting, because they are part of restoration. Like
13 I say, we will revisit that issue when there's a
14 better opportunity, but that's our view.

15 BOARDMEMBER LEVINE: I don't think we should
16 -- I think we should revisit it right now and
17 finalize it. I think we're passing around a
18 committee sign-up. And here I've just heard
19 something which encourages me that we can. I think
20 this community should be put on the bottom right
21 here.

22 BOARDMEMBER BAXTER: Let's have a vote.
23 Shirley, you like to organize votes.

24 FACILITATOR BUFFORD: Organizational votes
25 are very much accepted. Now, what David said,
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1 however, is that there was a group of community
2 members who got together and came up with this list
3 and they left off one committee that is of concern to
4 a number of you.

5 BOARDMEMBER BAXTER: The committee of
6 committees made five.

7 FACILITATOR BUFFORD: They made five. Rob,
8 I think you can answer that because I wasn't present.

9 BOARDMEMBER REINHARD: The committee of
10 committees was John, Sol, me, Bennett and Joan was
11 there. We did recommend this fifth committee. I
12 support exactly what Jan is saying that if we want to
13 have a vote now and establish that committee, that's
14 great, we can have one.

15 I'm concerned with a practical problem,
16 though, and that is the Army's non-involvement. I
17 think it's a practical matter. The committees that
18 we're all signing up for now, one of the reasons that
19 they are going to work and one of the reasons that we
20 decided to establish committees was that they would
21 take up or break up some of the work that we do in
22 this full board meeting, report back, and that they
23 would move forward the work of the Restoration
24 Advisory Board.

25 I think that's a very important reason for
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1 the committees to exist. And I would like to see
2 that reason extended to the issue of, like, what I'm
3 saying, buildings and compliance. I don't think that
4 that result is necessarily going to be the case
5 without the participation and involvement of the
6 government agencies involved.

7 So, that's not to say that the utility of
8 such a committee is not available for other reasons.
9 I mean, we can discuss among ourselves still those
10 issues, but I think it needs to be coupled with
11 resolve that those issues will be part of our board
12 deliberations in full board. We need to make some
13 movement to get that going.

14 BOARDMEMBER HORENSTEIN: The only thing I
15 heard now is David personally couldn't address those
16 issues, but that he would support the questions and
17 issues that came from the committee as far as finding
18 other people in the Army to respond to them and
19 providing documents as necessary. It was just kind
20 of a personal lack of expertise on those particular
21 issues.

22 BOARDMEMBER WILKINS: No, that's incorrect.
23 What I'm saying is this Board has been organized to
24 discuss restoration, and the Army's position is that
25 operational compliance is not a restoration issue.

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1 And the Army's position is that if the community
2 members want to organize themselves in a committee to
3 discusses those issues, then that's up to them. But
4 I as a representative of the Army to this Board will
5 not be involved in any discussions with regard to
6 that.

7 However, I will point you to the particular
8 agencies where the community members in that
9 committee or members in that committee could go to
10 get the appropriate answers or discuss their
11 concerns, as need be.

12 FACILITATOR BUFFORD: So the Army is saying
13 basically it will be a resource to the RAB --

14 BOARDMEMBER LEVINE: I don't think I'm
15 hearing that at all.

16 FACILITATOR BUFFORD: Am I hearing that
17 correctly, David, that you will serve as --

18 BOARDMEMBER WILKINS: Yes, and what the Army
19 is responsible for for operational compliance issues,
20 I will identify who that agency or those persons are,
21 and that committee can go to them to do their
22 discussions or address their concerns. And if it's
23 some other agency involved with operational
24 compliance issues, then I will identify who that
25 agency is or those persons are.

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1 MR. MILLER: My understanding, then, is that
2 the Army simply will not obtain advice from the RAB
3 Advisory Board on issues relating to compliance and
4 operations or other operational matters.

5 BOARDMEMBER WILKINS: That's right.

6 MR. MILLER: So I would propose then, that
7 the issue then is what is -- I mean, I think rather
8 than discuss it here, or us to ask that without
9 documentations to support one position or another, we
10 find out in advance of the next meeting whether this
11 in effect was within the scope of the RAB. And by
12 doing so we have to look back at the guidance
13 documents in terms of what authorizes the RAB --

14 BOARDMEMBER ROSSI: It's been discussed.

15 FACILITATOR BUFFORD: I think the Army has
16 already suggested and recommended that if you want to
17 have that committee, please go ahead and organize it
18 and they'll serve as a resource to direct you to
19 those people who can help you figure out the answers
20 to your questions.

21 BOARDMEMBER HORENSTEIN: That's not enough.
22 In the workshop I was at yesterday, Pat Rivers, who
23 is the Assistant Deputy under Secretary of Defense
24 for environmental cleanup who is, my understanding,
25 the definitive Department of Defense spokesperson on

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1 RAB policy and procedures -- and there were two
2 issues. One I'll get to later, hopefully, voting and
3 consensus, that we've been given a very
4 interpretation, or even an inaccurate interpretation
5 on that.

6 And the other is on this issue. And on this
7 particular issue, my understanding is that the RAB
8 speaks for the community. And the Department of
9 Defense does not determine what's in the scope of the
10 RAB; the RAB determines what's in the scope of the
11 RAB. And the Department of Defense supports the RAB
12 in these issues and in the questions that we have.

13 So I'm suggesting that David is not giving
14 us the definitive answer; he's just giving us his
15 interpretation, which now my understanding is it's
16 either very narrow or inaccurate.

17 MR. MILLER: Is this your interpretation or
18 just the position of the commander of the sixth Army?
19 Who developed this position?

20 BOARDMEMBER WILKINS: Well, I went to the
21 same workshop, although in a different location and
22 with different presenters than what Bennett did. And
23 the information that I presented and the development
24 of the Army's position was not only based on that
25 workshop, but also on guidance from all of the
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1 Restoration Advisory Board, publications that have
2 been developed since this initiative was started last
3 summer.

4 BOARDMEMBER BAXTER: I looked at a document
5 that was passed out at a RAB; somebody that I work
6 with has it. And within that document I saw
7 information given that supports what Bennett said.
8 So maybe we should get that document and take a look
9 at it and see what it says.

10 BOARDMEMBER HORENSTEIN: Further, I would
11 like David to contact --

12 BOARDMEMBER ROSSI: I was at the same
13 conference. Also I heard with the same ears and saw
14 with my eyes. Let me try to strike a happy medium.
15 I think you gave it a spin a bit too fast and maybe a
16 bit too broad, Bennett, and maybe the Army gave it a
17 spin too slow and too narrow. There is somewhere in
18 the middle.

19 But I'm going to read it in English, at
20 least part of the guidance, and there are numerous
21 documents. This is just one little thing. It says:
22 "When a RAB is established" --

23 And I think we're established; this is our
24 fifth meeting and we're still arguing over a process:

25 -- "RAB members must develop
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1 appropriate ground rules and
2 operating procedures."

3 And I'll get to answer your question in a
4 minute to assure three things, open, efficient and
5 productive operation. Now, we'll figure out what
6 production may mean and where it's aimed at. But
7 there's a little more guidance which supports Dave's
8 point, and that is that the ground rules should
9 ensure that the RAB maintains its focus on
10 environmental restoration issues and does not become
11 a sounding board for the non-restoration
12 environmental issues or other community concerns.

13 The purpose of that is because there are
14 other forums through which the voice of the community
15 can be made known to the commanders or those
16 responsible for those other activities. If we
17 broaden ourselves too wide, we are going to continue
18 to accomplish nothing but waste our time.

19 BOARDMEMBER BAXTER: I think we disagree on
20 what are the environmental impacts.

21 BOARDMEMBER ROSSI: When we get down to an
22 issue and say as long as you can relate that to an
23 environmental impact or an environmental restoration
24 -- they're talking about restoration -- then we can
25 talk about that; that's no problem. Because one of
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1 the guidelines, the magic words of the same workshops
2 and previous workshops and previous guidance, there
3 are some -- I've picked out five key words, and I'm
4 going to mention one is "community." So, the
5 community is important, obviously. So, the community
6 sentiment, the community representation -- which, by
7 the way, I must say for the record, this body I'm not
8 so sure really represents the community as a whole
9 because I'm not sure how many of you are really
10 members plucked out of the community. We have a lot
11 of the government members, so I'm not sure we have a
12 majority of the community. So, community is the
13 focus.

14 The second word is a good one they put out,
15 "trust." Because apparently there is a definite lack
16 of trust between the federal agencies, the
17 government, DoD and the community, right, Bennett?
18 This was brought up in terms of trust?

19 BOARDMEMBER HORENSTEIN: Well, the trust is
20 important for the process, certainly.

21 BOARDMEMBER ROSSI: The next one is
22 flexibility. We need to be flexible, obviously, a
23 key word. The other is advice. You're an advisory
24 panel, an advisory board. Then we have to figure out
25 how do we provide this advice in a digestible,

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1 meaningful, implementable, readable manner, because
2 if you throw to the commander, "These are the
3 transcripts of our meeting," and you expect him to do
4 something with them, forget it.

5 And the last one, I think, that goes to what
6 I got out of this guidance, and even this last two
7 days' session, was that somehow it is appropriate, it
8 is a good technique to use written comments. When
9 you mentioned what did we accomplish last week, we
10 had to kind of scratch and think. So, there's got to
11 be a way to somehow give us some small record, a
12 summary, of what we did or failed to do. Am I right?

13 BOARDMEMBER BAXTER: Absolutely. And within
14 that document there should be two sections, one with
15 the responsibility of the Army co-chair and one with
16 the responsibility of the community co-chair, and on
17 those two -- if it's the same document --

18 BOARDMEMBER ROSSI: The responsibilities are
19 quite clear, and I think we articulated those several
20 times.

21 BOARDMEMBER BAXTER: One of the
22 responsibilities of the Army co-chair in the version
23 I saw said they were to act as a liaison between the
24 community and other parts of the Army that could
25 address non-issues, non-installation issues --

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1 shouldn't get into that stuff is because, "Oh, it's
2 too much. We'll lose our focus." I don't think
3 anybody on this Board thinks there isn't a
4 challenging amount of information or cleanup issues
5 that we have to deal with. We've only scratched the
6 surface with the Public Health Service Hospital.

7 We have a great interest in ensuring that
8 this -- we're not here -- that the Presidio is
9 available for a lot of different uses, and that
10 buildings, for example, are restored to a condition
11 where people want to use them. That's one way of
12 looking at restoration.

13 For my part, I don't think that it's an
14 issue that we're going to be able to resolve this
15 evening. And maybe the committee can help resolve
16 it, but I feel we need to continue presenting
17 information to work out both the legal conclusion and
18 practical problem of bringing government
19 representatives to the discussion and having these
20 part of the Board.

21 BOARDMEMBER ROSSI: Well, I must say, I
22 didn't say what you said I said. I read what I read,
23 and you decided to say I said that by maintaining the
24 focus on environmental restoration meant that we
25 couldn't talk about asbestos. I didn't say that.

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1 BOARDMEMBER ROSSI: And they could, and Dave
2 said that. He said he would be more than happy to be
3 the liaison.

4 BOARDMEMBER REINHARD: I want respond to
5 some of the things you said. Again, I want to
6 emphasize that the way that the Army has presented
7 their conclusions up to this point I personally
8 regard only as their way of thinking out the issue.
9 And I totally disagree. So what happens at that
10 point when two sides totally disagree? And as I said
11 before, I think there's a practical issue here. I'd
12 be happy to run up a flag pole that I'm right, but if
13 the Army doesn't sit on the committee or do the work,
14 what good does that do me?

15 I think what we need to do is not resort to
16 kind of public interpretations or statements of these
17 kinds of documents, however helpful they are. But
18 for our part, one of the things we intend to do is
19 address the Army's contention; is this restoration or
20 not? And we feel -- I'm speaking as Presidio Council
21 now -- that we have information available to show
22 that, indeed, asbestos management, lead paint and
23 compliance issues are squarely within the idea of
24 restoration.

25 Now, you mentioned one of the reasons we
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1 BOARDMEMBER REINHARD: Okay. Then I stand
2 corrected on that.

3 FACILITATOR BUFFORD: There's a question
4 from the audience.

5 AUDIENCE MEMBER: I also went to the same
6 RAB meetings, and I'll make this brief. What I was
7 told is that the RAB is designed to advise the BCT.
8 The BCT has a charter to work on restoration issues,
9 is my understanding. The BCT does not work on
10 compliance issues. So that the RAB's focus on issues
11 other than those that the BCT works on differs from
12 the forward motion of the BCT and restoration, and
13 that there are other avenues for compliance. That's
14 what I heard, if that helps you.

15 MR. MILLER: I would say it's a definitional
16 issue because the matter of the restoration is a term
17 undefined clearly, at least, what I'm listening to,
18 and I haven't looked at the documents that Mr. Rossi
19 has been referring to.

20 The question is -- I would think that also
21 compliance is yet a definitional term. I think it
22 may be a misnomer in this case because the
23 combination of lead paint abatement or asbestos
24 abatement, those are beyond the traditional
25 definitions of compliance into what some would call

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1 restoration activities because they deal with
2 restoring a site from a different condition it's
3 currently in.

4 AUDIENCE MEMBER: I guess the question is to
5 ask the BCT, what's in your charter, and if those
6 issues are not within the charter --

7 BOARDMEMBER HORENSTEIN: The RAB is not
8 constrained by the BCT.

9 FACILITATOR BUFFORD: I'd like to say we
10 have two points of here, and your co-chair has said
11 that he would like to speak with the community RAB
12 members to re-examine and revisit that committee and
13 make a decision, maybe not tonight, but before the
14 next meeting if you want to have that committee.

15 BOARDMEMBER LEVINE: I don't think we should
16 wait for the next meeting. I think we've just had
17 sort of a meeting of the minds. I'm eliminating the
18 word "consensus" because of what I heard before. I
19 don't think we should eliminate the fifth committee.
20 I think it should be there, and for those who want --
21 I don't think there's much of a disagreement here. I
22 think we should say, "Let's have the fifth committee
23 and then let's work it out."

24 BOARDMEMBER GIRARDOT: I'd like to ask two
25 questions. First of all, from the Army and David,
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1 I'd like to know what are the other forums in which
2 these issues can be addressed. And from Rob and
3 Bennett, I'd like to have a more concise -- I hate to
4 say I was on the committee on committees, but why,
5 based on their objections we need to have this
6 committee and why you feel we can't handle it through
7 these forums they're going to name.

8 FACILITATOR BUFFORD: The first question is
9 directed to David and the Army.

10 BOARDMEMBER WILKINS: Yeah, the forums are
11 if, for example, someone is concerned about
12 compliance on the Presidio, there's a compliance
13 representative for the Park Service; there is a
14 compliance representative for the Army. If community
15 members are concerned about that, then they can
16 address their concerns to those respective persons
17 and those respective persons can reply to the
18 community's concerns.

19 Is there a meeting like this and people can
20 come and the Army or Presidio representatives give
21 presentations on compliance? No, there is not that.
22 But are there compliance managers for each of those
23 agencies that manage the compliance program at the
24 Presidio? Yes. Will they be able to answer all the
25 questions everyone has about asbestos and lead-based
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1 paint and everything else? Yes.

2 FACILITATOR BUFFORD: I'd like to ask, if
3 that committee is formed, can they come back and
4 report to this body?

5 BOARDMEMBER WILKINS: If they choose to do
6 that, I don't see any problem.

7 BOARDMEMBER LEVINE: I think that's the
8 whole problem. Whether it's the Army or a compliance
9 officer from another agency, it matters not to me. I
10 just want to know what's happening.

11 FACILITATOR BUFFORD: So to be informed
12 about these issues as well as the other.

13 BOARDMEMBER LEVINE: I think a committee has
14 got to be formed, and if David will turn us to the
15 people who have the information, that's fine. I
16 don't care whether it comes from A or B.

17 BOARDMEMBER GIRARDOT: Could I have the
18 second part of that question?

19 BOARDMEMBER REINHARD: First of all,
20 answering questions is not what we do here on other
21 things which we certainly consider restoration.
22 That's one of the things that we do as part of our
23 functions. But we're also a body of a lot of
24 expertise. We are trying to give advice; we're
25 examining the plans and proposals.

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1 In other words, we are not just a body which
2 receives information voluntarily given. We are also
3 a body of interested people and experts and concerned
4 people who want to have their opinions be recorded
5 publicly and for the Army and others who are
6 concerned, the state agencies, to officially review
7 and revise the plans or developments that they have
8 considered. And that will not happen in any of the
9 forums David mentioned. In fact, my experience even
10 on the limited idea of trying to ask information, is
11 that that can be quite frustrating.

12 Secondly, I agree that the major problem
13 we're facing is a definitional issue, and I just want
14 to take asbestos abatement as one of those examples.
15 David Wilkins himself is the author of a document
16 called the BRAC Cleanup Plan, which we all received a
17 copy of. If you'll notice, there is a chapter in
18 there outlining cleanup.

19 One of the items listed under cleanup is
20 asbestos abatement. I think that is clearly
21 something that has to do with, as I say, restoring
22 the base to a condition of use in which it will be
23 available for all potential uses that the Park
24 Service and the Army, for a little while, will make
25 of it.

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1 We're not -- I recognize we are not going to
2 be able to resolve that definitional question
3 tonight, and I do hardly support the idea of this
4 committee. I'm just worried about the practical
5 problem. I want David to come around to my side,
6 hard as that may be. But I'm eager for that to
7 happen, and I just think that we won't get the work
8 done unless that happens.

9 FACILITATOR BUFFORD: Can we have two more
10 comments on this, and then make a decision to move
11 on?

12 MR. MILLER: First of all, I support Sol on
13 having a committee, the option to deal with. My
14 question is actually more informational. You had
15 mentioned there were two individuals. You said there
16 was a representative for the National Park Service
17 and the Army compliance. I'd be interested in the
18 names.

19 And the second question is what is the
20 source of the Army's position? I take it it's not
21 your personal position that --

22 BOARDMEMBER WILKINS: Nothing that I do here
23 is personal.

24 MR. MILLER: What is the source of in case
25 there are issues we want to address -- any individual
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1 or organization to address in a formal letter, to
2 whom would that be sent? Who is the person making
3 that decision regarding the Army's position on this
4 type of issue, compliance-type issues?
5 BOARDMEMBER WILKINS: The policy comes from
6 DoD.

7 MR. MILLER: Where? In Washington?

8 BOARDMEMBER ROSSI: I can give the addresses
9 and the names and room numbers and telephones.

10 MR. MILLER: That would be good. It's the
11 interpretation of the policy. I'm talking about the
12 specific policies. Compliance issues are not
13 considered -- the Army's position is that compliance
14 issues are not part of RAB and compliance issues
15 include asbestos abatement and lead paint. Those are
16 the specific positions that they're waiting on from
17 the Army. That certainly will be useful so others
18 can respond in any way they choose. Can they be
19 provided?

20 BOARDMEMBER WILKINS: Sure.

21 BOARDMEMBER LEVINE: Can you fax that
22 information to us?

23 BOARDMEMBER WILKINS: Yeah.

24 FACILITATOR BUFFORD: David, can you give
25 them the names of the compliance officers tonight?
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1 BOARDMEMBER WILKINS: Well, I'd just rather
2 wait until I get all the numbers and everything
3 straight.

4 AUDIENCE MEMBER: Can I make a point
5 regarding point of the contacts for the Park Service,
6 since I'm responsible -- my name is Richard Hadley.
7 I'm responsible for the NEPA compliance for the Park
8 Service on the Presidio. There won't be one point of
9 the contact regarding this. We have several people,
10 David Garrett, Roberta's part of the group, Alex, an
11 environmental engineer. These folks are as well
12 versed as they can be on the issues related to the
13 lead and asbestos abatement. So it will be more than
14 one person, and we'd be glad to provide those names
15 to you.

16 MR. MILLER: That's a good point. The
17 National Park Service is not necessarily the same as
18 the Army's position or RAB, I take it.

19 FACILITATOR BUFFORD: Okay. There are
20 several points of contact. David will get those
21 names.

22 BOARDMEMBER BALL: That's an important
23 question he brought up whether the Park Service has a
24 position about the definition of restoration and
25 whether lead and asbestos abatement is part of
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1 restoration or whether it's part of compliance and
2 maintenance. Is there a spokesperson?

3 BOARDMEMBER WILKINS: Roberta from the Park
4 Service, she's here. She's a boardmember.

5 BOARDMEMBER BLANK: We haven't discussed the
6 formal position on that subject. I can kind of see
7 it both ways. It seems like the Presidio would be
8 supportive of a group that wanted to form the focus
9 on this issue, and we would help out any way we could
10 by providing information, contacting people you need.
11 The other side, I think, is that, you know, they are
12 important issues but there's also a lot of other
13 restoration issues we need to get focused on. So I
14 can see both sides of it.

15 BOARDMEMBER REINHARD: What are those?

16 BOARDMEMBER BLANK: Other restoration
17 issues? The Remedial Investigation, Feasibility
18 Study issues with the main installation, that kind of
19 thing.

20 FACILITATOR BUFFORD: Scott Nakamura has a
21 question.

22 BOARDMEMBER NAKAMURA: My question is a
23 simple one. Who is the referee -- who is the
24 deciding person? Is it the under secretary? You
25 know, we sit here, we've been together for a long
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1 time with a community co-chair and the co-chairs
2 sitting in two different places. And, you know, I
3 think that just from observing it, it's set up in a
4 really adversarial -- the setting is very
5 adversarial.

6 I think that we're going to have difficulty
7 making decisions as a group, but I think there's
8 going to be issues that the higher authority is going
9 to have to be consulted for the military. Who is it?
10 Because I remember when we went from a TRC to a RAB
11 we waited for months for a letter of directive to
12 come down that we were going to become a RAB. I'm
13 just curious, you know, where does the buck stop?
14 Where is the final decision made? Is it the under
15 secretary? What's the RAB's -- who can the RAB
16 appeal to?

17 FACILITATOR BUFFORD: There's a dispute
18 system. Romy, can you answer that?

19 BOARDMEMBER FUENTES: Well, right now we
20 don't have a formal agreement with regard to
21 regulatory agencies and the Army. Some sort of like
22 a gentlemen's agreement. Both sides are cooperating.
23 We don't want, you know, hurdles to stop the process.
24 So as much as possible we want to incorporate our
25 requirements to the process, and as much as possible,
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1 you know, we want to include all the requirements
2 coming in from different agencies as well.
3 FACILITATOR BUFFORD: On most sides there is
4 a federal facilities site, remediation agreement, and
5 there's a dispute resolution --

6 BOARDMEMBER ROSSI: Unsigned.

7 FACILITATOR BUFFORD: At this time that is
8 unsigned, so that doesn't apply here. And as Romy
9 said, we're all working together in sort of a
10 gentleman's agreement.

11 BOARDMEMBER ROSSI: Let me try to answer the
12 question since I'm the DoD rep. The Department of
13 Defense Office that is the proponent for the issuance
14 of the policy with respect to the establishment of
15 RABs, what RABs are, what they intend to do, how they
16 intend to interface with the responsible
17 installation, with respect to the restoration of the
18 property for the purpose of disposal -- remember
19 that's why the RABs were established. In issue is
20 Ms. Sherry W. Goodman. She is the Deputy under
21 Secretary of Defense for Environmental Security in
22 the Department of Defense. She is the proponent of
23 the policy.

24 FACILITATOR BUFFORD: Does that answer your
25 questions?

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1 BOARDMEMBER LEVINE: There is one question
2 that bothers me, a very important factor. You
3 mentioned that the majority of the members of the RAB
4 are governmental agency people --

5 BOARDMEMBER WILKINS: No, that's incorrect.

6 BOARDMEMBER ROSSI: That's not what I said.

7 BOARDMEMBER WILKINS: There are nine members
8 of what we call ex-officio members of the RAB. There
9 are 22 community members, although it is suspect
10 whether all 22 of the community members actually
11 represent the community or special interest groups.

12 BOARDMEMBER LEVINE: You just said something
13 that really interests me here. You just said
14 "suspect." This bothers me. This bothers me right
15 now. Are we community members or are we governmental
16 people?

17 BOARDMEMBER HORENSTEIN: Well, special
18 interests can represent the community.

19 FACILITATOR BUFFORD: As David said, there
20 are 22 community members, and it doesn't matter where
21 you work, who you work for, the government or
22 whatever. You're still part of the community.

23 And Michael Work from USAP has a comment to
24 make about the compliance, and we'd like to bring a
25 closure to this.

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1 BOARDMEMBER WORK: Thank you. There does
2 seem to be a lot of room for argument and how you
3 define what falls under the category of restoration.
4 I was at the RAB training also. I didn't see anyone
5 else.

6 BOARDMEMBER GIRARDOT: That's because we
7 weren't invited. You said there was only a certain
8 number of spots.

9 BOARDMEMBER WORK: Well, that's true.

10 BOARDMEMBER GIRARDOT: That was a mistake.

11 BOARDMEMBER WORK: It was clear to me that
12 the definition of restoration could be stretched.
13 I've also talked with people in EPA Region VIII
14 about how EPA would define restoration, and would
15 compliance come under that definition. And again, it
16 was like a tough call to make. But it seems to us,
17 to EPA Region VIII, that if you have a compliance
18 problem, if some part of the program is out of
19 compliance and that could result in contamination
20 which could then have to be cleaned up, then that
21 would be part of our definition of restoration. So,
22 I guess what I'm saying is in EPA's view compliance
23 it's not mutually exclusive from restoration.

24 And I want to add one other thing here. The
25 underlying message of the RAB training course was you

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1 need to build trust in the community. And it seems
2 to me that I hear a strong motivation on the part of
3 the community here to be informed about compliance
4 issues. I just think the Army needs to decide for
5 yourselves in this balance of your desire to keep the
6 focus of the group narrow and your desire to foster
7 trust in the community and then make a decision on
8 how you want to define restoration in this case.

9 FACILITATOR BUFFORD: Thank you, Mike.

10 BOARDMEMBER FUENTES: I also want to add the
11 signed purpose of the agreement we have the Army and
12 the National Park Service includes RCRA compliance.
13 And we include RCRA and CERCLA together.

14 FACILITATOR BUFFORD: Okay. With those
15 comments made, if we can get a show of hands of those
16 people from the community who would prefer to add
17 that compliance subcommittee back to the subcommittee
18 list we passed around, I'd like to see your hands.

19 MR. HENDERSON: Are you excluding all the
20 RAB members or just certain RAB members?

21 FACILITATOR BUFFORD: The community RAB
22 members --

23 MR. HENDERSON: Is that just the RAB, or
24 members of the RAB -- everybody, right?

25 FACILITATOR BUFFORD: All members of RAB.

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1 bringing resolution about this, you know, keying off
2 with what Michael was saying, especially about the
3 motive to do that. So, that's what I'm voting for.

4 FACILITATOR BUFFORD: So did you add that to
5 the list going around? Okay. We'll continue to pass
6 the list around. Thank you.

7 Rob has asked me to move environmental
8 documentation down and to begin the next item, Public
9 Health Service Hospital discussion. Bennett, that's
10 your area.

11 BOARDMEMBER HORENSTEIN: I think I'm just
12 giving a report. This was the first project
13 managers' meeting that a representative, community
14 representative from the RAB, went to. And I'd just
15 like to say that I appreciate the project managers'
16 meetings being open to a community representative,
17 and I think it's hopefully something we can continue.

18 This meeting was August 2nd, and it was
19 called by Roberta Blank, I believe, of the Department
20 of Interior, Park Service representative on the RAB.
21 I don't have everyone that was present.

22 Representatives from the Department of Defense, Army
23 Corps, the regulators, Department of Interior, the
24 Park Service, and everyone had their two or three
25 consultants with them.

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1 Can I see a show of hands of those who want to add
2 that compliance subcommittee to the committees?

3 BOARDMEMBER ROSSI: That's not what it's
4 labeled.

5 BOARDMEMBER BAXTER: There are three things
6 in it. Compliance is only one part. Correct me if
7 I'm wrong, Bob, but as remember, it was lead issues,
8 lead abatement issues both within building and bridge
9 district and compliance. And at one time it was the
10 UST Program, but that got taken out?

11 BOARDMEMBER REINHARD: That's out, but the
12 asbestos --

13 BOARDMEMBER LEVINE: Particularly the bridge
14 item.

15 FACILITATOR BUFFORD: So all three of those
16 issues would be one subcommittee; compliance, lead
17 and asbestos. Okay.

18 BOARDMEMBER REINHARD: Can I clarify also
19 what we're voting on? I think what we're voting for
20 is what David Wilkins said, that as a practical
21 matter we should have this committee and we should
22 pursue it for those who are going to sign up for it.
23 I'm sure when the sheet goes around that not too many
24 people from that side of the table are going to sign
25 up for it. And then we should work toward, as I say,

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1 The primary agenda and goal of the meeting
2 -- and please, anyone who was there feel free to
3 correct me when I'm done on the mistakes I make. The
4 goal of the meeting was to present the adverse
5 impacts or the impacts of the cap on the landfill to
6 the listed plant species -- and I don't know the
7 names; I can't remember -- and to look at

8 alternatives for mitigation efforts for Landfill 8.

9 At the meeting Roberta started off with a
10 general overview, very similar -- I think she
11 probably gave a more comprehensive presentation to
12 the RAB than she gave there, being a lot of the
13 people were at the last RAB meeting, at the project
14 managers' meeting. Questions at the meeting came
15 mainly from the Regional Board rep, Lynn Suer, who is
16 not here today. I don't think there is a regional
17 board member here today.

18 I think most of the questions were because
19 she's fairly new to the project, which kind of is
20 important, as I'll come to in a minute. And there
21 was additional explanations by Park Service
22 representatives, naturalists on this issue, that I
23 think went into more comprehensive detail than we
24 heard, but all followed very similar issues.

25 It's my understanding that the landfill cap

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1 had been required by the Regional Board, and
2 primarily the Park Service was looking to her, Lynn,
3 as a representative of the Regional Board to agree to
4 an alternative, given the adverse impacts of the cap.

5 The only alternative to the cap that was
6 substantially discussed was additional monitoring.
7 There are certainly some other alternatives, but that
8 was the one that was really focused on after some
9 period of time, an hour or so; there was a general
10 consensus. I'm not sure how I'm going to define
11 that, but alternative monitoring would be an agreed
12 upon cleanup method without a cap, in lieu of a cap,
13 additional monitoring.

14 There was a discussion of logistics as to
15 how does this new agreeable idea, cleanup method get
16 proposed as a recommendation given that the remedial
17 action plan has already gone out for public comment
18 with the cap as a proposed alternative. A decision
19 -- I guess is the right word -- was made to wait
20 until all public comments were made and reviewed, and
21 then if this new alternative holds, given other
22 comments that come in, to go out for public comment
23 with this new alternative as an addendum or some
24 other term.

25 So, that was my sense of the meeting, my
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1 very quick observations or comments. I thought it
2 was a good, kind of positive, give or take meeting
3 with no strong ownership by the Army on, "This was
4 our idea of the cap and we have a problem looking at
5 other alternatives, even though it was in the
6 Remedial Action Plan." I thought that was a very
7 positive sign.

8 Personally, the more information on this
9 idea of the impacts to the cap was a bit of an
10 awakening, and you really need to look at the whole
11 environmental picture. And it personally kind of
12 changed my view on this idea. I bought into that
13 there does appear to be some adverse impacts given,
14 perhaps minimum cost.

15 I think a reality here is the Department of
16 Defense agreed to the change, but there's no increase
17 and perhaps there's even a decrease in the cleanup
18 costs. So, I don't know how much was to be an
19 agreement with the Park Service or how much we're
20 going to save, you know, we're going to save money
21 and still please the regulators.

22 The one comment that I think perhaps because
23 Lynn was new to the project and the Regional Board
24 representative who initially was pushing for the idea
25 of the cap wasn't there, no one really questioned, in
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1 my opinion, perhaps enough what was the original
2 Regional Board reasoning that requested a cap or
3 dictated the cap, or whatever they do in this
4 process.

5 That's my report.

6 FACILITATOR BUFFORD: Any comments or
7 questions?

8 BOARDMEMBER BAXTER: I will comment. I'm
9 the Regional Board person that pushed the cap, so I
10 can clear that up perhaps a bit with you. The reason
11 that the cap was chosen as an alternative was it was
12 not felt that there was adequate clarification of the
13 landfill contents. If you get adequate
14 characterization of the landfill contents, then we're
15 all willing to agree what's adequate or clear, then I
16 don't know as the Board would have pushed for the
17 cap. The cap was gotten because we didn't feel --

18 BOARDMEMBER HORENSTEIN: But that's what was
19 a bit strange in the meeting, was additional
20 characterization wasn't really something that was
21 being pushed as an alternative to the cap.

22 MR. HENDERSON: Yes, it was. We discussed
23 that in length.

24 BOARDMEMBER HORENSTEIN: Well, that was
25 discussed in -- Eric, from the Army Corps of
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1 Engineers expressed what we heard before, that of a
2 landfill of non-homogeneous contents additional
3 characterization is very tough. You certainly can
4 have additional characterization, but it's not going
5 to be representative. It doesn't necessarily give
6 you any greater indication of what's in a landfill.

7 In the worst case you hit one hot spot and
8 you've got to remove the whole contents, or you grab
9 a couple spots and people still say you haven't had
10 enough additional characterization. So, I think that
11 kind of summed that issue up. I didn't mean to imply
12 that no other alternatives were discussed, but
13 because of certain reasonings they led toward
14 additional monitoring as the one that was discussed
15 and abated and concluded.

16 BOARDMEMBER BLANK: One way you could look
17 at additional monitoring is additional
18 characterization. That was part of the discussion,
19 did the additional characterization have to be of the
20 fill material; could it be efficient characterization
21 of the groundwater. The Board's position, as I heard
22 it at that meeting, is that with the appropriate
23 monitoring well configuration and approval by the
24 Board of the monitoring plan that was to be submitted
25 by the Army, that they would look at that as a way of
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1 kind of trading off the need to characterize the
2 landfill due to the complexity of characterization,
3 the heterogeneity.

4 BOARDMEMBER HORENSTEIN: I think that's
5 accurate.

6 BOARDMEMBER BUCK: I'd also like to point
7 out the EPA made a similar comment to that to the
8 DTSC as to that characterization. So, it wasn't just
9 strictly our viewpoint.

10 BOARDMEMBER HORENSTEIN: Agreed.

11 BOARDMEMBER REINHARD: I'm concerned, or I
12 think we need to discuss a little more the procedural
13 consequences of what happened. The idea that on
14 September-whatever, the proposed remedy which is now
15 highlighted in the public documents as the selected
16 remedy is not, in fact, going to be the selected
17 remedy and it's not highlighted or proposed as the
18 remedy.

19 What I understand the solution or idea is,
20 is that when the new remedy -- let me just call it
21 that. When this idea of further characterization
22 without a cap becomes quote, unquote, "selected" or
23 whatever, that there will be another public comment
24 period on that. I think that's what I understand is
25 the process.

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1 there will follow another public comment -- how do I
2 know that that's all going to happen? And if it
3 does, that's great. I like that idea. But how do I
4 know that that will happen?

5 BOARDMEMBER BUCK: Well, we're going to have
6 the public comment period and we are going to make
7 the people aware that -- sort of the chronology of
8 how this came up with the Park Service concerned with
9 the cap, the deep rooted plants and so forth, you
10 know, that's going to be their comment to the
11 document, the proposed plan.

12 As I understand it, that's the whole idea of
13 public comment, to get these ideas out and to make
14 changes if significant data comes to the Army that
15 suggests that there is some better alternative out
16 there.

17 BOARDMEMBER REINHARD: Well, let me express
18 my concern a little bit more clearly. As you know, I
19 deal with a lot of procedural things in my daily life
20 all the time, and what I'm concerned about is that
21 the public comment period for which the entire public
22 is entitled to be aware of and to know about the
23 remedy and to submit those things, that it doesn't
24 seem that there is full awareness of that. So people
25 are out there, you know, not here in this room, who

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1 As I understand and as I've been learning
2 about this proposal -- by the way, I like it. I
3 mean, substantively it sounds like a good idea. But
4 I'm just concerned about a couple of things. We all
5 represent different groups or we're supposed to
6 report back to different groups, and we are in a
7 public comment period right now. I think at a
8 minimum it's incumbent upon us all to go back and
9 tell everyone what's happening so that the people are
10 informed about the remedy, and whatever people feel
11 about it, that they have an opportunity to say
12 something.

13 My other concern is that, like I say, I
14 support this direction that apparently the RPMs have
15 gone into. What I want to know is, is it guaranteed
16 that that is what's going to take place, what I just
17 described, this process, which I feel comfortable
18 with? How do I know that's what will really take
19 place? If it does, great, I'm in favor of it. But
20 how do I know that it will?

21 BOARDMEMBER BUCK: That there be another
22 comment period?

23 BOARDMEMBER REINHARD: Well, this
24 alternative will be the one chosen that, yes, then it
25 will be announced that it's being proposed and then

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1 do not have the opportunity, the inside knowledge
2 that we have, because we just had this briefing.

3 The public comment period is halfway over,
4 and I'm just concerned that there be that opportunity
5 and that it be guaranteed. Like I say, I do like
6 this idea for opening the public comment period
7 again, but how do the people not here know that? How
8 do they know whether to submit a comment or not or
9 agree with what's going on, or not submit a comment
10 because they never heard of this?

11 BOARDMEMBER FUENTES: I think both EPA and
12 the Park Service are committed in submitting their
13 comments, and I think the Army could highlight those
14 comments in their responsive summary to say that --
15 you know, because of the consultation with the future
16 land owner and regulatory agencies that the Army is
17 proposing to change the proposed alternative.

18 BOARDMEMBER REINHARD: Well, here's what I
19 would request, that at the meeting on Thursday, the
20 public hearing, that at a minimum such announcement
21 about this be entered into the record. That's my
22 request.

23 BOARDMEMBER WILKINS: If you read the agenda
24 for Thursday's meeting, Bob, you will see that that
25 is already included as part of the discussion. In

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1 addition, to reiterate what Bennett said, the process
2 is going to be as he described. The intent is to
3 take the comments from this public comment period,
4 and based on those comments, which we all -- at least
5 from the people that were at the project manager's
6 meeting, we know what we're going to get in a formal
7 comment, that that's going to be composed and there
8 is going to be an additional public comment period.
9 We're going to present this alternative on Thursday.

10 The additional public comment period has not
11 yet been defined when that window is going to be, but
12 when the addendum to the current RAP gets developed,
13 that's going to be sent out and we'll do the same
14 process like we did. We'll mail out 3,000 fact
15 sheets, or whatever the thing is, and we'll let
16 everyone know. We'll have another public meeting and
17 we'll have another public comment period.

18 BOARDMEMBER REINHARD: I hadn't seen that
19 agenda. I was just looking at it for the first time,
20 and I noticed announcement of new public comment
21 period is on there. So, I'm satisfied.

22 MR. KAO: Can I make a comment? My name is
23 Chien Kao. Again, I work for the State Department of
24 Toxics, and right now the document out there for
25 comment is sponsored by the department as a state
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1 document as a Remedial Action Plan. The specific
2 topic, we talked in length in that particular
3 meeting, and I had throw the idea out just for
4 discussion and it seems it got a very positive
5 response.

6 The idea was we do have a lot of concern
7 that by changing this selected remedy halfway through
8 the public comment period is going to create a lot
9 confusion out there. We had a consensus in that
10 meeting, said, "How about let's just go ahead, stay
11 on course with this particular remedy, go through the
12 whole 30-day comment period," not to really publicize
13 this particular changing, and let people just go
14 ahead with this -- currently recommended remedy for
15 30-day comment period. And by the end of the 30-day
16 comment period would get all our comments back.

17 And we know we are going to get comments
18 from USEPA and from the Park Service. And we had a
19 lot of discussion at that meeting and we all seemed
20 to be leaning toward changing that remedy. At the
21 end of the 30-day public comment period, talking with
22 Army if we decide to change it to that new remedy,
23 we'll go ahead and change the new remedy. We'll
24 re-publicize, another 30-day public comment period so
25 that people out there may not be aware of all this
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1 discussion. They just assume they are taking one
2 remedy at this time which is capping.

3 Some people say, "Oh, I don't want
4 comments." Someone people say, "Oh, I hate the cap."
5 Whatever they think, get the comments in by the end
6 of the 30 days. And then we go out say, "Here we got
7 all our comments here. We think there is a better
8 alternative which is not capping, what do you think."
9 So these people will come back, the people who think,
10 "Oh, I hate capping," now they have a chance to come
11 back, or "I like the capping," chance to come back
12 for the new remedy so that won't create that much
13 problem.

14 BOARDMEMBER REINHARD: But there will at
15 least be an announcement at the public hearing.

16 BOARDMEMBER BLANK: I think we should also
17 clarify that the only alternative under consideration
18 -- or that we have commented on at this point with
19 respect to changing for Landfill 8 -- and there is
20 other components of that RAP which are out for public
21 comment which could change in response to someone
22 else's comments. But right now there is only one
23 component that is being talked about as a change,
24 just so people know that the rest of the RAP is --

25 BOARDMEMBER REINHARD: Am I right there will
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1 be an announcement on Thursday?

2 MR. KAO: Well, that -- I have not -- that
3 agenda, I didn't see it. I didn't talk to the Army
4 -- well, maybe it's -- people can discuss that
5 here --

6 FACILITATOR BUFFORD: Okay. Chien, there
7 are two ways that you can go about this. You can
8 make the announcement at the meeting that you will
9 extend the comment period and discuss the new
10 alternatives, or you can go ahead, close it and
11 reopen it. And if the public, Rob for example,
12 requests that you extend that public comment period
13 beyond those 30 days, you can do that.

14 MR. KAO: I'm not sure, the single
15 announcement, is that public meeting satisfied of
16 public notice --

17 FACILITATOR BUFFORD: No, it would not. You
18 would have to publicly notice that in the paper, but
19 that is one way it could happen.

20 BOARDMEMBER REINHARD: I didn't request what
21 I think you just said. What I was requesting was the
22 plan you just outlined, about we're going to take the
23 comments, we're going to come out with the new remedy
24 officially and have another -- I like that idea. I
25 hope it goes through. All I'm saying is my request
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1 is that time line, that chronology and those
2 scenarios, that they get announced on Thursday,
3 because I want some guarantee that that's really
4 what's going to happen.
5 BOARDMEMBER BUCK: I guess it's my belief
6 that I think we should say that based upon our early
7 discussions with the EPA, Park Service, that we have
8 this indication that they had objections to this
9 Army's previous remedy. I personally would like to
10 say that at the meeting. Granted, I heard your
11 concerns about creating confusion on the part of the
12 -- I think it's -- I don't know, we're talking about
13 building trust, and this is something we all know
14 we've done here. We don't want to preclude comments
15 being provided by the interested citizens out there.
16 But I sort of think we should mention that we have
17 this indication from the Park Service --
18 BOARDMEMBER REINHARD: And probably in the
19 context of what Robert just said, that it is just
20 part of the Public Health Service Hospital, you know,
21 it has to do with Landfill 8, and just so people get
22 -- I guess what I'm saying, the flavor or the idea of
23 what's really going on. I don't think there is
24 anything objectionable to it at all. I think people
25 would appreciate it.

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1 BOARDMEMBER REINHARD: I kind of like the
2 way you just worded it. We shouldn't preclude the
3 idea that there's some person out there who has an
4 opinion just as good as EPA or the Park Service, much
5 as I respect those two organizations. And maybe
6 they're going to be so compelling that you'll have to
7 go back to a cap or something; I don't know. But I
8 think what's what you're just saying, that we should
9 respect that and make sure that the presentation of
10 the new alternative is at least announced so that
11 people know something about it. That's what I got
12 out of what you just said, and I kind of like that
13 idea.
14 BOARDMEMBER BUCK: I will say what that is,
15 the monitoring as opposed to a cap.
16 BOARDMEMBER REINHARD: Yes, and the
17 increased monitoring.
18 BOARDMEMBER BAXTER: Could I make one
19 comment on that? Do you really want to say what it
20 is if you don't know what the final is? Because what
21 I heard from Roberta at that meeting was that was
22 something that was going to be proposed and
23 considered, and that there may be some back and
24 forth and something different may come out.
25 BOARDMEMBER BUCK: Well, it didn't come out.

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1 AUDIENCE MEMBER: Could I add one point in
2 terms of compliance related to it? I think what we
3 want to say is what we're stating right here, is that
4 there's new information been made available and we're
5 considering it. And at the end of the 30-day public
6 review period we don't have a really good argument to
7 go with the cap, and there may be some proponents out
8 there that would strongly support the cap that you
9 haven't heard from yet.

10 BOARDMEMBER BUCK: It's clear we have to
11 hear their comments.

12 AUDIENCE MEMBER: Right. So what you want
13 to say is that in the event that we change our
14 preferred alternative, then we'd go back out for the
15 30-day review period. I think if you say you're
16 going to go for the 30-day review period, you're
17 really precluding a serious consideration of those
18 arguments that may be out there in support of the
19 cap. I think that's what we want to avoid.

20 So, I would advocate, you know, just my
21 position would be that you would say up front, "This
22 is what we're considering, and if we decide to go
23 with it, that we'll move forward with a second 30-day
24 public review period." That's the way we would
25 handle it in terms of the environmental assessment.

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1 MR. HENDERSON: I think it ought to be kept
2 vague. I don't want to get very detailed in it
3 because that's not enough detail. It should be
4 written down so everybody has the same piece of
5 paper. People that went to the meeting will hear
6 something different than something someone in the
7 street that heard, "Well, the Army doesn't plan to do
8 anything." I mean, that's how it's going to get out.
9 So, I think the intent would be to keep it vague,
10 that things are being looked at, and that maybe would
11 include a cap, but at least we would definitely be
12 doing more monitoring, but not getting into very
13 detailed --

14 BOARDMEMBER BAXTER: I didn't hear that
15 there had been an actual decision on what the
16 alternative --

17 BOARDMEMBER WILKINS: There is not. The
18 whole reason it was put on the agenda for Thursday
19 was an informative thing, a way of keeping the public
20 informed. So it's going to be very brief, very
21 vague. That's it.

22 FACILITATOR BUFFORD: If there are no more
23 comments on the public meeting on the Public Health
24 Service Hospital, I think our reporter needs a break.

25 MR. KAO: Before that, actually there's

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1 still a part of the decision needs to be worked out
2 which is additional characterization and monitoring
3 part of it, because I want to make sure that was also
4 part of this decision, that we have to satisfy the
5 Water Board that they are happy with the additional
6 characterization and monitoring that is being
7 incorporated in lieu of the cap.

8 FACILITATOR BUFFORD: Okay. The Water Board
9 will be present at the public meeting.

10 MR. KAO: We left that meeting with Water
11 Board has to work with the Army to work that out
12 before the 30-day period end, before make a new
13 proposal.

14 FACILITATOR BUFFORD: Okay. I understand
15 that, and someone will be represented at the public
16 meeting to address questions that come up about the
17 position, correct.

18 BOARDMEMBER FUENTES: The Water Board is
19 notified and I spoke with Shin-Roei and she will be
20 present on Thursday.

21 FACILITATOR BUFFORD: Okay. So, there will
22 be a person from the Water Board present at the
23 public meeting. Can we give our reporter a break?

24 (Recess)

25 BOARDMEMBER REINHARD: We're going to
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1 officially restart.

2 FACILITATOR BUFFORD: We'd like to continue.
3 If there is any more discussion on the Remedial
4 Action Plan for the Public Health Service Hospital --
5 or did we get all of those issues on the table? No
6 more questions or comments about that.

7 BOARDMEMBER REINHARD: I have one. I
8 thought Roberta's point was interesting that the
9 controversy has centered around Landfill 8. My
10 question is about the comments that have come in so
11 far about the other portions of the remedies, has
12 anything interesting turned up about those comments
13 that means that the data -- I'm just asking for a
14 status report, basically.

15 BOARDMEMBER BUCK: I really haven't seen
16 anything to affect the other ones at all.

17 MR. HENDERSON: I have one quick comment.
18 Jan wanted me to bring it up. The Army Corps next
19 week is going to start putting in the one monitoring
20 well we proposed at Landfill 8. So Jan wanted to
21 make sure everybody knows about this here. You're
22 certainly welcome to come out to the site. You'll
23 have to respect the fact that there's going to be a
24 monitoring time well set up and everything else, but
25 if you want to watch it going on, it's going to be at
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1 Landfill 8, and probably the first three days of next
2 week. So if you want to see how a monitoring time
3 well is put in, you can come out there, but we'll
4 have to ask people to stay away from the rig and
5 everything that's going on.

6 FACILITATOR BUFFORD: Should they contact
7 you -- you said possibly --

8 MR. HENDERSON: Well, it is going on.
9 Monday, Tuesday and Wednesday it will be varying
10 stages. They start very, very early. Guys on the
11 rig start at 6:00 a.m. It will be going on for three
12 days very long days. Once they start setting screens
13 in wells they don't quit.

14 BOARDMEMBER BUCK: I would recommend for
15 community members that haven't seen well
16 installation, that would be worthwhile.

17 BOARDMEMBER LEVINE: Anything else going on
18 at the base besides the monitoring well in the next
19 few weeks? I think this is important. This is what
20 we asked for, to view some of these things.

21 BOARDMEMBER BUCK: Next week they will
22 probably be putting in some gear on the pilot test
23 for that, for that pilot UEB system, which they're
24 going to be putting in some blowers and stuff like
25 that.

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1 MR. HENDERSON: Actually, the Park Service
2 is going to be sampling wells this week also around
3 Letterman Layer that you guys put in?

4 BOARDMEMBER HORENSTEIN: Perhaps it would be
5 an appropriate agenda item at a future RAB meeting,
6 kind of an update of activities by the Army or the
7 Park Service.

8 BOARDMEMBER LEVINE: It doesn't have to be
9 formal, but some of us would like to go in to just
10 view and observe it.

11 FACILITATOR BUFFORD: Okay. The two
12 co-chairs heard that. They'll be formulating the
13 agenda for the next meetings.

14 Okay Roberta, the environmental
15 documentation agenda, Item 4 we'd like to go back to.
16 Do you have a report to make or comments?

17 BOARDMEMBER BLANK: I wasn't 100% clear on
18 what this item was. My assumption is it was based on
19 the last meeting where the issues were raised about
20 the environmental documentation being provided by the
21 Army and the Park Service, and the negotiations that
22 were going on for that, and then to give a status
23 report at the next RAB, which is this RAB about the
24 negotiations. Is that the issue?

25 The negotiations are still ongoing, so we
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1 don't have a conclusion to report. We should be
2 shortly in possession -- Oh, I guess we are in
3 possession of -- some information that we requested
4 at part of those negotiations that will enable us to
5 look at approximately 60 buildings or properties that
6 were referenced in a CERFA Report and described as
7 having a need for some kind of -- or having had some
8 kind of a need and for which we did -- we did not
9 know of other environmental documentation that those
10 were addressed under the US Program or FS Program.
11 So we requested the references to support they were
12 released at those buildings so we could review that,
13 and that's what Dave just gave me this evening.
14 So, we're going to look at this, and based
15 on what we see and hear we'll be asking the Army for
16 some additional material to possibly give us more
17 information about what we see in here. That's all I
18 can report at this point.

19 BOARDMEMBER REINHARD: What is that called
20 officially?

21 BOARDMEMBER BLANK: CERFA site visit notes,
22 Presidio, San Francisco, September 13th through 20th,
23 1993. When they did the CERFA Report to determine
24 what properties were clean versus the disqualified
25 parcels, I believe that these are the field notes

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1 would say, "Why don't we put it in the RI."

2 BOARDMEMBER BLANK: That's the kind of
3 logic.

4 MR. MILLER: When you say disqualified, you
5 mean disqualified from the RI/FS process?

6 BOARDMEMBER BLANK: CERFA was a document
7 that looked at if you could carve out certain parts
8 of the base that were clean and didn't require any
9 additional work so someone could reuse them. And
10 those were called the CERFA parcels. There were a
11 bunch of parcels that were called disqualified. They
12 were disqualified from being clean for some reason.
13 Does that fairly represent CERFA?

14 BOARDMEMBER REINHARD: It doesn't mean
15 they're dirty; it just means they're not clean.

16 BOARDMEMBER BUCK: It doesn't mean they're
17 not clean. It just doesn't mean that you can't say
18 they're -- because you may have just a paint can in a
19 building could disqualify parcels.

20 BOARDMEMBER REINHARD: I mean not CERFA-ble.

21 BOARDMEMBER BUCK: Right, under the
22 definition of the CERFA. It's not a CERFA parcel,
23 that's correct.

24 MR. KAO: The criteria basically is if you
25 have anything that has a substance or petroleum

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1 that they used to arrive at those decisions.

2 BOARDMEMBER WILKINS: That's correct.

3 BOARDMEMBER REINHARD: But you described it
4 as a book which contains mention of places where they
5 were released?

6 BOARDMEMBER BUCK: I have to clarify that.
7 The 60 buildings aren't necessary releases. They
8 could have just been storage.

9 BOARDMEMBER REINHARD: Okay. So we don't
10 know whether it's a release or not.

11 BOARDMEMBER BLANK: Something was said in
12 the CERFA Report that disqualifies the piece of
13 property, and at the same time it didn't say that
14 that property was being addressed under the RI/FS or
15 under the other program of fuel complying programs.
16 So we said, "Well, if there has been storage or
17 release or whatever the CERFA Report disqualified it
18 for and it's not covered under those other programs,
19 where is it covered?" So the Army said they would
20 provide us with documentation about those sites.

21 BOARDMEMBER REINHARD: So one thing that can
22 be said about all those buildings is that they are
23 not locations now which have been subject to the RI,
24 and they may or may not have releases attached to
25 them. So if there would be a release, then somebody

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1 product being stored or released more than a year,
2 that makes you disqualified. So if you have a can of
3 -- if you somehow had one gallon of gasoline can in
4 one of the building for more than one year, that
5 building is disqualified.

6 And then the idea is that later on we'll
7 come back to revisit these disqualified parcels and
8 see if there is, indeed, release. If there is a
9 release, then we'll further investigate whether we
10 should remediate. So they are potentially --
11 disqualified parcels potentially can be clean, but
12 for this document, for CERFA qualifying document,
13 those are categorized as disqualified parcels.

14 FACILITATOR BUFFORD: So, Roberta, you will
15 report back to the RAB members after you get an
16 opportunity to look at that and evaluate?

17 BOARDMEMBER BLANK: Sure.

18 FACILITATOR BUFFORD: Did I see a hand in
19 the audience? Okay. Any other questions on that
20 issue of CERFA parcels? We'd like to move on to the
21 next item, new business. Rob?

22 BOARDMEMBER REINHARD: One thing I'd like to
23 -- call this new business, but it's really old
24 business, sort of. The committee list has gone
25 around now. It was supposed to have. Well, before I

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1 pass it on there -- or I will pass it on now. It's
2 fuller now, but on all the committees -- I don't
3 think we have at least one government person on all
4 the committees. As I was saying before, I think
5 that's important. So, please is my request, people,
6 sign up to distribute ourselves so that what we had
7 thought about these committees will really work, and
8 that is that it will serve as some way of breaking up
9 the work that goes on here with everybody here, which
10 can sometimes be inefficient, sometimes lively. But
11 I think the committees will work if there is more
12 representation around on them.

13 I don't know, David, I guess maybe what we
14 also need to talk about is okay, so now that people
15 have signed up, when do they start or how do they
16 start, and that seems to be a topic that we need to
17 air a little bit.

18 BOARDMEMBER WILKINS: Well, I think that the
19 ad hoc committee that people have signed up for, that
20 committee is supposed to be the one that kind of
21 establishes the operational structure for how we want
22 to work as a RAB. And I think those individuals can
23 determine when they want to get together and perhaps
24 define that structure that we want to work in.

25 BOARDMEMBER HORENSTEIN: There's an
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1 important issue that came up at the workshop -- it
2 wasn't answered, though -- on committees, and that's
3 do all committee meetings need the same notification
4 that RAB meetings do, and what are the logistics
5 involved in that?

6 BOARDMEMBER WILKINS: Well, I think that's
7 really up to the committee members. I think if the
8 committee members want to have a place to meet, that
9 can be arranged, and certainly the Army can help to
10 coordinate that. But does that need to be something
11 that everybody needs to know about that's not on that
12 committee? I don't know, that's really up to the
13 community members.

14 BOARDMEMBER BUCK: That did come out at the
15 training sessions. The implication seemed to be that
16 they had to be advised like every other meeting.

17 BOARDMEMBER HORENSTEIN: I thought there was
18 a differing of thought there. I like David's
19 interpretation. It's up to the RAB as
20 representatives of the community to maybe come up
21 with a decision on that.

22 BOARDMEMBER WILKINS: And that ad hoc
23 committee, as I understand it, I thought that was
24 their function to do.

25 BOARDMEMBER LEVINE: What about people being
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1 on multiple committees or more than one committee?
2 BOARDMEMBER REINHARD: I think people have
3 signed up for more than one committee.

4 BOARDMEMBER GIRARDOT: I clearly remember us
5 arriving at the decision that all committees should
6 be available to be attended by the public, and
7 therefore I think that all the members here should be
8 notified of when and where the committees are meeting
9 so we can pass that on to other people who might be
10 interested.

11 BOARDMEMBER REINHARD: But not require any
12 more notification than that, like a newspaper. I
13 like that idea.

14 FACILITATOR BUFFORD: Are there any
15 objections to Joan's proposal? Okay. And were you
16 going to discuss group leaders?

17 BOARDMEMBER REINHARD: Well, I have another
18 comment, I guess, about the committees, again,
19 talking as a Presidio council person, and that is
20 going back to what I understand is the task of the
21 committees to help facilitate work. But I don't
22 think the committees themselves come out with work
23 product that is binding, you know. Like I'm thinking
24 especially of this organizational committee which has
25 two extremely interesting people on it right now.

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1 But, okay, so what if they report something
2 about the organizational issues and we don't all like
3 it or whatever -- how could that ever happen? But
4 I'm just saying that I think the work of the
5 committees is to, like I say, facilitate the work of
6 the Board, and that just using the organizational
7 committee as an example, one thing that might happen
8 is all these multiple views that people keep
9 expressing and in the way we do here, they could
10 organize or suggest a solution and then we would all
11 agree on it. But the committee itself would not say,
12 "This is it way it works" and then we be bound by it.
13 That's my understanding of the committee.

14 BOARDMEMBER ROSSI: I don't think that was
15 ever the intent. This committee will impose its will
16 on the total body of the RAB. The citizens would
17 come up with a suggestion or a solution and then the
18 RAB will accept it or modify it, change it or throw
19 it out.

20 BOARDMEMBER HORENSTEIN: Like we do for the
21 community.

22 BOARDMEMBER ROSSI: Oh, absolutely. We're
23 just a work group.

24 FACILITATOR BUFFORD: And in terms of the
25 leaders of these committees?

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1 BOARDMEMBER REINHARD: Well, I guess to
2 start talking about constituting them, whether we're
3 going to have leaders of the committees, I don't
4 know, we need to, I think, have a plan or figure out
5 a way that they get initiated in some way. And maybe
6 this idea of having an organizational committee meet
7 first and suggest dates -- this is all my proposal
8 now; please, everybody say no when they want to --
9 that one of the things they do is to propose the date
10 of the first committee meeting, or if not a specific
11 date at least an idea of when they should get started
12 maybe to talk about what you just said, do they need
13 leaders at all anyway? Maybe committees don't need a
14 leader.

15 BOARDMEMBER HORENSTEIN: I'm one of the two
16 interesting people on the organizational committee --
17 and I need to talk to you later what you meant by
18 that. I don't know that this organizational
19 committee needs to take up the individual committees.
20 Just an alternative is during break we'd meet, go to
21 separate corners, and each committee decides on its
22 own when they're going to meet, how they're going to
23 meet, and do they need a leader or not, and we move
24 forward with the process.

25 FACILITATOR BUFFORD: That's a proposal.
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1 it. He didn't know, either, because I got the
2 sign-up sheet later.

3 FACILITATOR BUFFORD: I think there was a
4 proposal to that to Tuesday.

5 BOARDMEMBER ROSSI: Tuesday is fine. We'll
6 get together and get it organized.

7 FACILITATOR BUFFORD: This coming Tuesday
8 next Tuesday.

9 BOARDMEMBER ROSSI: That's fine.

10 FACILITATOR BUFFORD: What time?

11 BOARDMEMBER ROSSI: Seven o'clock. You said
12 same meeting time we'll do it. And, again, I think
13 we shouldn't debate here whether or not we're going
14 to propose that we're going to suggest that each
15 committee have a leader, a co-leader, a sub-leader or
16 secretary. Let us solve that separately.

17 FACILITATOR BUFFORD: That was the proposal,
18 and I think everyone was in agreement with that, that
19 each committee --

20 BOARDMEMBER ROSSI: Our focus probably is
21 going to be on the process by which we can comply
22 with the guidance, which to me it's very, very clear.

23 MR. MILLER: My thought is if these
24 subcommittees are successful, we can reduce the
25 number of RAB meetings.

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1 You support that?

2 MR. MILLER: Yeah, I think it makes sense
3 that each committee would have a spokesperson.

4 BOARDMEMBER LEVINE: Let the committees
5 choose whoever they want.

6 MR. MILLER: I have a separate question
7 after that with relation between the committee and
8 RAB. So I'll wait.

9 BOARDMEMBER STUHMILLER: I'll suggest that
10 we have maybe a half an hour in the next meeting that
11 we have so each committee can get together, be it
12 before the meeting or sometime during the meeting,
13 get together and formulate their plans, and if they
14 did want to have a leader, do that.

15 BOARDMEMBER BAXTER: Because there are some
16 people that are not here that may join a committee
17 between now and the next meeting.

18 BOARDMEMBER ROSSI: Well, I gather from the
19 comments that the organizational committee kind of
20 has to move out and kind of sets the pace to get
21 organized. So what I'm saying is that I would
22 propose even next Wednesday at 1:00 o'clock, if
23 you're available, let's get together and --

24 BOARDMEMBER BAXTER: Excuse me, I'm the
25 third weird person on that committee, and I can't do
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1 FACILITATOR BUFFORD: The subcommittees
2 should help to reduce the number of RAB meetings.

3 BOARDMEMBER ROSSI: Absolutely. That's the
4 whole intent of organization.

5 FACILITATOR BUFFORD: I think we have a yeah
6 on that.

7 BOARDMEMBER BLANK: I'm not sure -- I know
8 exactly where we are in the discussion of the
9 committees, but it just occurred to me after looking
10 at the list of the committees, it's not clear to me
11 if the UST petroleum committee included the 637 and
12 937 areas, or is that under the main installation
13 committee?

14 MR. HENDERSON: Building 637 site is not
15 under the main installation and RI/FS, and that was
16 dealt with at the UST/AST.

17 BOARDMEMBER BLANK: What about 937?

18 BOARDMEMBER BUCK: That's the main
19 installation.

20 BOARDMEMBER BLANK: You know, I don't know
21 if people know, one of the main sources of release at
22 the main installation from 637 is under the
23 underground storage tank program, just so the people
24 who work on the main installation program, one of
25 major sources of the leak at the site is not really

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1 main installation program. It seems like sometime
2 we'll need to coordinate those two together.

3 BOARDMEMBER REINHARD: We did think about
4 that, the committee of committees.

5 BOARDMEMBER BAXTER: Whatever was under Army
6 Corps in the UST Program and whatever was under UST
7 in main installation?

8 BOARDMEMBER REINHARD: Yeah, and that
9 committee also has another task to look at the
10 permitting that is being processed right now for
11 tanks.

12 BOARDMEMBER ROSSI: Are we open for new
13 business?

14 FACILITATOR BUFFORD: Rob has one other
15 comment.

16 BOARDMEMBER REINHARD: There are a couple
17 items of new business I wanted to mention about the
18 agenda. So far I think the way the agenda for these
19 meetings has been set is that David and I write
20 letters to each other and talk over the telephone. I
21 just wanted to make sure that anybody that wants some
22 agenda item on an agenda, say so at one of these
23 things or contact one of us or Shirley or -- I've
24 just been concerned that maybe the setting of the
25 agenda has not been as broadly done as it could be.

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1 do that myself. It's got 19 July. That's the last
2 one I got.

3 FACILITATOR BUFFORD: Further new business?
4 Bennett, you would like to make some comments?

5 BOARDMEMBER HORENSTEIN: Yeah. It was the
6 the workshop I went to, the second item that I wanted
7 to share with the members of the RAB that I think is
8 far more significant and less open to interpretation
9 than the first item I brought up -- I didn't say
10 non-controversial.

11 But before I start, quickly, I was asked to
12 speak a bit to the workshop just on our experience,
13 my experience, my interpretation of where we are in
14 the RAB. And one thing I did mention is now a
15 community representative is going to go to the
16 project managers' meeting. On that one issue almost
17 every community representative in the group came up
18 to me afterward and expressed surprise that we're
19 allowed to go to their project managers' meetings.

20 So I just wanted to really share that we
21 talked about trust. It's a very big sign of trust,
22 and I think in addition to negative things we should
23 talk about the positive things sometimes. I think
24 we're probably the only RAB that has that
25 relationship, although all the others, now that I

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1 And I hope people have agreed with the agenda so far,
2 but I think from now on we should make it a little
3 bit more formal, let people know to call in agenda
4 items.

5 MR. MILLER: Can either of you leave your
6 phone numbers? I don't have it.

7 BOARDMEMBER ROSSI: Which brings me to
8 administrative. He just asked about phone numbers.
9 One of the things that I was going to ask -- because
10 they do change and people's address change and
11 numbers -- I know at the Army site right now they
12 change every day. They're playing some kind of a
13 game. So what I'd like to do is pass this around,
14 and if you have a change in your address, phone
15 number, zipcode, or whatever, next to this roster
16 which was the last one -- and I just checked -- that
17 is published for us, just annotate it and we'll get
18 it back to Rena, and that way everybody will have a
19 posted copy. That's an easy way of doing it.

20 BOARDMEMBER BALL: Perhaps -- I haven't
21 noticed whether there is a revision date on it.
22 Maybe we could just have some note included so that
23 if there is a question or the last addition, so we
24 will know --

25 BOARDMEMBER ROSSI: The one you see here, I
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1 said it, are going to push for it.

2 Again, the presentation that I was listening
3 to given by Pat Rivers, who I mentioned before is the
4 Assistant Deputy Under Secretary of Defense for
5 environmental cleanup, and my understanding the
6 definitive DoD spokesperson on RAB policy and
7 procedures, during her presentation she mentioned in
8 the talk something about RAB voting and reaching
9 consensus. And it just kind of hit me, what is she
10 talking about? RABs can't vote and they can't reach
11 consensus. She must be making a mistake.

12 And then she talked about FACA a little bit.
13 And afterwards I went up and talked with her and
14 asked her, "What are you talking about, RABs voting?
15 We can't vote."

16 She said, "No, RABs can vote, and they can
17 reach consensus. In fact, the design of RABs are for
18 them to reach consensus and as a body provide advice
19 to the Department of Defense."

20 I said, "Wait, look at this," and I gave her
21 what Dave passed around to us from the workshop he
22 attended that talked about individual advice.

23 And she said, "No, that individual advice
24 meant that the consensus advice should not preclude
25 individual advice, not the other way around."

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1 I said, "Wow, this is really amazing. Isn't
2 this in conflict with FACA?"

3 She said, "No. We designed RABs not to be
4 FACA organizations, FACA committees, because we
5 didn't want RABs constrained by the bureaucracy
6 that's associated with FACA committees."

7 But we certainly don't want RABs to be
8 constrained because they aren't FACA committees
9 because that's going in the opposite direction. And
10 that's an interpretation she didn't agree with.

11 Well, I went up and raced up to the first
12 person I saw on the RAB, who was John Buck; he was
13 there. I'm going to put him on the spot in a minute.
14 I shared this with him and John just looked at me and
15 said "You must have misheard; it can't be true."

16 I said, "Well, the next break you and I both
17 are going to go up and talk with her." Sure enough,
18 in the next break John and I went up and talked with
19 Pat Rivers, who I mentioned is the Assistant Deputy
20 Under Secretary of Defense -- and in a minute I'm
21 going to ask John to verify what I just said. And his
22 mouth dropped as she was talking. And I even went as
23 far -- I mean, I was just trying to push her, and I
24 said, "Well, Pat, could the RAB, for example as a
25 body, comment during the public comment period?"

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1 Defense your majority and make your minority
2 viewpoints too" -- but I think that's a good point,
3 because that illustration without a doubt shows that
4 she not only, that it's allowed, but in the design of
5 RABs we're expected as a body to give advice. I was
6 like, wow, we're actually an advisory board.

7 Anyway, I think that's an appropriate
8 illustration. John, could you please share?

9 BOARDMEMBER BUCK: Well, as usual, your
10 filter is a little different than my filter, but she
11 did say that consent for voting is allowed. However,
12 you seem to emphasize that, in fact, the emphasis
13 should be on consensus. I didn't hear that. I heard
14 that they definitely want the diverse views of the
15 community expressed. That was the most important
16 thing, that you were allowed to vote and come to some
17 type of consensus. But I didn't hear that that
18 should be the emphasis --

19 BOARDMEMBER HORENSTEIN: No, and I didn't
20 mean to imply it if I did, which I'm not sure I did.
21 The only point I was making and that she made is
22 that, one, we're allowed to vote, clearly and reach
23 consensus, and the other is there is an expectation
24 that the RAB will give advice to the Department of
25 Defense as a body on issues that they feel warrant

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1 She said "Sure."

2 Wow, this really goes fundamentally against
3 what we've been lead to believe, but -- I don't know
4 if "lead to believe" is the right term. I think what
5 we've been given as an interpretation --
6 unfortunately we've been given the interpretation
7 effect, but I think in all fairness, that was a valid
8 interpretation, although now I think we need to
9 recognize as a RAB that it was only an
10 interpretation, and from the top of the Department of
11 Defense on RAB policy there is a very different
12 interpretation.

13 I would go further to suggest to our
14 co-chairs that we change our working as a RAB in
15 light of this to actually reach consensus and vote on
16 issues that we would like to.

17 FACILITATOR BUFFORD: Before you do that I
18 would appreciate it if you would give the example
19 that Pat Rivers gave about the supreme court.

20 BOARDMEMBER HORENSTEIN: That shook me too.
21 This what I said, "Wow, I'm not hearing things." She
22 was talking about the RAB voting. She says, "For
23 example, you don't want to just push your majority
24 decision". She goes, "Like the supreme court, if you
25 vote and you're 8 to 4, well give the Department of

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1 it. But certainly, minority viewpoints need to be
2 heard, and we should also participate in individual
3 comments as we would like.

4 BOARDMEMBER ROSSI: First of all, I'd like
5 to say in the presence of the rest of the RAB members
6 and the public that Bennett's presentation was well
7 received, that she spoke as a member of a RAB. And I
8 think his observations were honest, direct, very
9 applicable to the situation that we were faced with.
10 And I think he did a fantastic job for -- you really
11 represented this RAB. You did a great job.

12 Now, with respect to your filtering of what
13 you heard of Ms. Rivers -- and we all have filters; I
14 do too. And I know other members were there. And I
15 think you both expressed it fairly well in the
16 dialogue here, but what she kept saying is that yes,
17 you can vote, but you don't want to suppress the
18 process that you develop. You don't want to suppress
19 individual comments. That's the key.

20 But there's another very important theme I
21 think in what she was saying, and we haven't got to
22 that yet. And that's one of those things that we're
23 going to do as the organizational community, and that
24 is you have to produce some sort of advice that is
25 transmittable to the Army in this case that they can

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1 do something with.

2 So how will you do that? Do you take 32
3 different individual opinions, catalog them, forward
4 them, or do you reach some kind of maybe census? I'm
5 saying 18 members favored this option, 12 favored
6 this one, three favored this and two didn't care, or
7 whatever. You see? But that's what we as an
8 organization really are going to have to figure out,
9 maybe, how to transmit that.

10 But I agree that she says there's nothing
11 that says you can't take some sort of vote to measure
12 what the sentiment is or the feeling of the RAB is
13 and then transmit that somehow -- to the Army in this
14 case.

15 BOARDMEMBER HORENSTEIN: I want to make it
16 clear also that I talked with her separately but
17 repeated mostly what John and I heard again. So that
18 was in addition to what she said. So you may not
19 have heard everything that John and I did. But I
20 think you summed it up very well.

21 BOARDMEMBER REINHARD: I would like to make
22 a comment just on a practical level about what we've
23 just heard. And sort of to reiterate, I think
24 something that we said when this issue came up -- I
25 think it was two meetings ago; I forget. The

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1 practical consequence, I think, of what we just
2 heard, I think, is for community members especially,
3 I think, to appreciate the public comment process and
4 public participation procedures, I think.

5 And that is that we are about to send in or
6 mail in our written comments, and hopefully we'll
7 have some kind of agreement. I don't preclude
8 anybody from -- you know, whatever persuasion or
9 group they represent to signing onto any other group.
10 I mean, the Park Service might agree with a community
11 member or the Army might agree with a community
12 member or perhaps the community members themselves
13 will agree.

14 What I'm saying, to follow up on what
15 Bennett is saying, whatever issues of support that we
16 can come up with for each other, I think that's an
17 important process to go through. Because my
18 experience is that on the record when comments are
19 made in unison rather than individually or
20 separately, they tend to carry a little bit more
21 weight, because the consensus adds a little more
22 credibility to the comments. I think comments are
23 judged mainly on their technical and legal merits,
24 but credibility is also established by its
25 representativeness.

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1 And one of the factors in the NCP about
2 appropriate selection of remedy is community
3 acceptance and state acceptance. So that is a legal
4 factor which effects, like I say, the weight of a
5 comment. And when I say weight of a comment, I mean
6 should it ever come to it, should there ever be a
7 third party like a court, they will look at these
8 things -- "Is this some guy off on his own making a
9 dumb comment or does it have a lot of acceptance?"

10 So, we should look for opportunities of
11 consensus, and I think that's a practical way of
12 implementing what Bennett just said. So our part,
13 we're going to try and dispute our comments so people
14 know what they are, and hopefully think about them.
15 And I would like to see all yours.

16 BOARDMEMBER HORENSTEIN: That's very
17 different than what I said. That's a back door
18 distribution of individual comments to get people to
19 sign on. That's very different than the RAB reaching
20 consensus on issues as a body and bringing that, as
21 Al said, as advice or RAB advice as a restoration
22 advisory board to the Department of Defense.

23 Now, I don't think we should do that instead
24 of what you're suggesting, but I think the RAB can,
25 and in some instances should, do that as a body, come

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1 up with action items, come up with consensus advice
2 to pass on to David and the commander of the base.
3 BOARDMEMBER ALEXANDER: I'd like to now get
4 an idea of what public -- of what comments are
5 planned for Thursday night regarding the Public
6 Health Service Hospital. We have spent a lot of time
7 talking about Landfill 8 and its characterization and
8 avoidance of the cap and deleterious aspects. But
9 we're talking about a 36-and-a-half acre site, and
10 that's about one-and-a-half acres of the site.

11 I don't know what anybody else is intending
12 to discuss. In helping to formulate our comments on
13 the Public Health Service Hospital, it would be a
14 great benefit to me to have some idea of what others
15 are intending to comment on. Is Landfill 8 really
16 the only issue on which there is any difference of
17 opinion from the propose actions in the document, or
18 are there others?

19 I'd like to hear about these others. That
20 will help us. I'd like to hear about them in
21 particular from the regulators who I assume have
22 their comments virtually prepared now, or at least
23 know what the issues are and what their positions are
24 on the issues. I hope so. I have two weeks of
25 written comments two days before verbal comments.

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1 And that's important. That would be really important
2 to me. Does anyone want to start?

3 BOARDMEMBER WORK: I'll be glad to summarize
4 what EPA plans to say. I think we've covered
5 Landfill 8 pretty well. EPA is basically going to
6 repeat what our concerns were that caused us to have
7 the meeting, that caused us to reconsider the
8 preferred alternative for Landfill 8. EPA is not
9 going to comment in any adverse way about the
10 selected -- or even I guess I should say the
11 preferred remedy identified for Landfill 10 or
12 Building 1827. There may be some minor comments
13 about those, but not the majority. And the minor
14 comments would probably only be procedural rather
15 than substantive.

16 BOARDMEMBER ALEXANDER: What about NPS?

17 BOARDMEMBER BLANK: Are you asking
18 specifically about other than Landfill 8?

19 BOARDMEMBER ALEXANDER: I'm assuming that we
20 have had Landfill 8 to death now. I mean, we can
21 plant corn on it.

22 BOARDMEMBER BLANK: One thing, the way you
23 started out, what you were talking about was to say
24 were people going to present their comments at the
25 meeting -- is that your understanding or your

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1 by the end of the comment period at this point.
2 There will be some comments on the RAB itself, the
3 way the arguments are presented in the RAB. There
4 will be some information about the Park Service's
5 desire to protect certain resources at Landfill 10,
6 something Richard Hadley has been working on with
7 respect to the placement of the monitoring wells at
8 Landfill 10.

9 MR. HADLEY: We brought that item to our
10 internal project review and we've submitted
11 recommendations to the superintendent and to be
12 signed off. Basically it's facilitating the proposed
13 locations for the monitoring well with some minor
14 mitigation related to that.

15 Primarily they need to remove some willows
16 that have overgrown on an historic road in the Lobos
17 Creek area, and we've agreed to allow them to do that
18 with the assistance of our forester and a pre-survey
19 of the site for sensitive plant species, which none
20 were found.

21 BOARDMEMBER BLANK: Then I think we'll have
22 some comments about Building 1827 in terms of
23 questions about what kind of -- there's comments in
24 the RAP about the need for soil sampling that will
25 occur as part of the demolition of the building, and

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1 expectation that actually the regulators and the Park
2 Service would make formal comments at the meeting,
3 or --

4 BOARDMEMBER ALEXANDER: No, that's not a
5 firm expectation. You may or may not, because you
6 have the option of not making a verbal presentation
7 at the meeting, but simply submit written comments.
8 But at this stage I think it's a reasonable
9 assumption that all of the regulatory agencies have
10 reviewed the document, have formulated the issues and
11 have formulated the responses to the issues or the
12 comments on the issues. And I'd like to hear them
13 now. They may not be in final, final, final form. I
14 appreciate that. You may not have them written down.

15 BOARDMEMBER BLANK: We are going to do our
16 comments in two letters. The first is to focus on
17 Landfill 8. It should go out shortly. It goes into
18 detail on the resources they're going to want to
19 protect and provides rationale for why we believe the
20 cap is not suitable and what alternatives we think
21 are available to accomplish the State's objective. I
22 would like to circulate that when I get that letter
23 finished. Then I'll probably distribute it -- I CC'd
24 Rob on it as the co-chair.

25 The issue will go out in a separate letter
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1 we'll have some comments about that. The alternative
2 is planned as a demolition alternative, but there's
3 some soil sampling accompanying that. We'll have
4 comments about that. So, there may be some more
5 things that come up, because I haven't finished the
6 RU yet.

7 BOARDMEMBER ALEXANDER: What about 1801?

8 BOARDMEMBER BLANK: We can concur with the
9 conclusions of the RAP with respect to the
10 restoration of the Public Health Service Hospital.
11 MR. KAO: I want to make a clarification
12 that this is kind of unusual at the time we have
13 comments from USEPA and the Park Service because we
14 are in a transition period, that normally at this
15 stage of the process -- a RAP went out for public
16 comment. The RAP has already gotten regulatory
17 agencies' approval, otherwise it would never get out
18 of this regulatory review for public comment.

19 So this time, for this particular RAP that
20 we are still getting comments from EPA, USEPA and the
21 Park Service because there have not been the normal
22 review -- regulatory normal review process. And once
23 we sign the agreement with the Army and then the
24 USEPA will be part of the agreement, then there will
25 be a review process and approved RAP before they go

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1 out for public comment.

2 BOARDMEMBER ALEXANDER: I understand, but
3 the FFSRA hasn't been signed for, what, a year?

4 MR. KAO: That's what I'm saying. We're in
5 the transition period, but once it's signed, that --
6 what I'm trying to say is next time when we have a
7 RAP hopefully we have signed an agreement that we
8 wouldn't have this regulatory agencies comments in
9 the public comment period.

10 BOARDMEMBER ALEXANDER: Are you saying it's
11 your expectation that the FFSRA will be signed in the
12 next two weeks?

13 MR. KAO: I expected it. I expect FFSRA
14 will be signed any day now. That's what I've been
15 told for the last four months.

16 BOARDMEMBER ALEXANDER: That's what I've
17 been told the last year and a half. Either they're
18 having trouble getting their caps to the same
19 location --

20 MR. KAO: That's a different issue. Let's
21 not bring that in.

22 BOARDMEMBER ALEXANDER: But CAL EPA, DTSC,
23 I'm also interested other community members,
24 particularly representing groups. Have you comments
25 which in particular might go beyond comments that
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1 agreement with the idea of Landfill 8 and 1827. And
2 we've got some questions on other buildings, but I'm
3 going to get those questions resolved before we make
4 our comments.

5 BOARDMEMBER REINHARD: Another item of new
6 business has to do with the way we've conducted our
7 facilitated meetings. We happen to have the luxury
8 of embarrassment of riches as far as facilitators,
9 and people that are interested in facilitating. Of
10 course, I think everybody likes the way Shirley has
11 done that so far, but also there have been other
12 people who have expressed an interest to do that.
13 One of the ways this issue came up is that Michael
14 told us about some people at EPA who do facilitating,
15 and Doug, of course, does this for a living.

16 So, just as an experiment we were thinking
17 that at the next meeting that there might be another
18 facilitator for people to have up here, just to see
19 how other styles of "facilitating" -- is that the
20 word -- occur. So what the suggestion is is that the
21 people who are interested in doing this in the
22 interim are going to talk among themselves and David,
23 and that at the next meeting there might be another
24 person facilitating.

25 By the way, I just want to mention all the
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1 that have already been made?

2 BOARDMEMBER REINHARD: Well, the Presidio
3 Council, which is never shy, is going to supplement
4 its earlier comments, especially on the
5 non-degradation policy. We believe that we have
6 additional legal arguments to bring on that topic
7 which have not been considered yet. And, of course,
8 there have been new developments on that topic.

9 We are going to, as I mentioned before,
10 present for the record our agreement with this new
11 remedy proposal and the Park Service's ideas for
12 Landfill 8. I think that's pretty much our comments
13 that are going to be made.

14 MR. MILLER: Don Meyers is putting together
15 the comments, and I think aside from Landfill 8, some
16 comments on reviewing the soil investigation for
17 Building 1837. But other than that, my understanding
18 is there aren't any other substantive comments other
19 than points here or there.

20 BOARDMEMBER ALEXANDER: This must be
21 comforting to you.

22 BOARDMEMBER WILKINS: I'm interested to hear
23 what your comments are, Michael.

24 BOARDMEMBER ALEXANDER: We're still
25 formulating them. I will say we are in substantial
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1 people who expressed their interests are doing this
2 totally as voluntary and public service. So I think
3 that, you know, they deserve our thanks for being
4 thoughtful about it that way. So that might be
5 something that comes up at the next meeting.

6 FACILITATOR BUFFORD: We want to continue to
7 have a neutral facilitator, so they like to kind of
8 see me rotate myself out and rotate someone else in.

9 Anyway, if there is no more new business --

10 BOARDMEMBER ALEXANDER: I have a question
11 which I'd like to raise. I have been hearing some --
12 I can recall rumors, that there be some change in
13 Army policies regarding providing documentation. And
14 I must say I'm fuzzy about this exactly what -- if
15 there have been any changes, I'd like to ask the
16 question of the Army: Have there been any recent
17 changes in Army policy or regulations regarding CERFA
18 or provision of documentation regarding buildings or
19 areas that would affect the Presidio?

20 BOARDMEMBER WILKINS: Not that I know of.

21 BOARDMEMBER ALEXANDER: I see. Does the
22 term "PAS" -- what is that?

23 BOARDMEMBER WILKINS: I don't know. You
24 tell me. What is it?

25 BOARDMEMBER ALEXANDER: Well, I've only
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1 heard the term, and I understand it's an acronym.
2 BOARDMEMBER WILKINS: I don't know. Who is
3 the person or persons who told you that?
4 BOARDMEMBER ALEXANDER: I've only gotten the
5 term "PAS," that there's been a change in PAS
6 regulations.
7 BOARDMEMBER WILKINS: Not that I know of.
8 BOARDMEMBER ALEXANDER: Does anybody on the
9 Army side know what PAS has to do with?
10 BOARDMEMBER REINHARD: Does it have to do
11 with documents?
12 BOARDMEMBER ALEXANDER: I believe it has to
13 do with documents or characterization.
14 MR. JANECEK: This is Colonel Janecek from
15 the Army. I'd like to answer Michael a little bit
16 there, because PAS, from my perspective, is not
17 something that Joe Montana throws down the football
18 field. A preliminary assessment screening is a
19 document the Army prepares when it allows another
20 agency or entity to use a building or buildings in a
21 normal course of continuing operation.
22 So we do that under the regulation of
23 AR200S1, that provides those documents as part of the
24 NEPA process. So that's what preliminary assessment
25 screening is. That regulation is under revision and
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1 people that work or deal with. So in the old -- I
2 mean, there are a whole number of changes that could
3 reflect that. I don't know particularly what you're
4 getting at.
5 BOARDMEMBER ALEXANDER: Well, I'm operating
6 as kind of a voyer because I don't have a lot of
7 information beyond what I've already described. I
8 have been concerned, and I have expressed the concern
9 before this Board in the past, that buildings have
10 needed to be characterized individually so that when
11 it comes time for the Park Service to lease a
12 building, a prospective tenant who is going to ask,
13 "What's the environmental condition of this building;
14 is it safe for my workers or my visitors to come
15 into" will get a knowledgeable and complete answer.
16 Otherwise I can see a tenant saying, "Well,
17 if you can't answer that question adequately, I can't
18 lease." And that frustrates the whole purpose of
19 both reuse and the purpose, as I understand it, of
20 the President's five point plan. So, I guess -- let
21 me ask you this way: You said, "Well, there can be
22 some changes," and did I understand you to say there
23 can be some changes in the documentation?
24 MR. JANECEK: Let me go back and clarify
25 that a preliminary assessment screening is a document
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1 the preliminary assessment screenings are going to be
2 replaced by Environmental Baseline Surveys, which is
3 called the CERFA document that proscribes clean
4 parcels for reuse.
5 So, the Army, in keeping with the
6 President's five point program on fast track cleanup,
7 is revising the regulations to incorporate the new
8 documentation that comes out with the CERFA document,
9 and an Environmental Baseline Report that comes from
10 that. So there are changes in that regard.
11 The names and nomenclatures associated with
12 what used to be a preliminary assessment screening,
13 that term is being replaced by a CERFA document, EBS.
14 So, I don't know whether that is what you're
15 referencing or not...
16 BOARDMEMBER ALEXANDER: I think it's
17 probably more that and less Joe, who's in Kansas City
18 these days. The way you described it, it sounds as
19 though it's just a change in nomenclature; is that
20 correct, or is there a substantive -- does it
21 indicate a substantive change in the documentation?
22 MR. JANECEK: No, I think they're very
23 site-specific. They are site-specific documents that
24 reflect on certain areas and certain uses of
25 buildings, and so they reflect on the range of areas
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1 that captures and characterizes the storage of
2 hazardous materials at a site and the potential for
3 release at those sites. And the documentation
4 contained in the CERFA document and its references
5 have all the information that is available in the
6 preliminary assessment screening.
7 In many cases in the preparation -- in the
8 old preparation of preliminary assessment screenings
9 you would use the CERFA document as the source for
10 the information for a preliminary assessment
11 screening. Because the CERFA document was the source
12 that, as I understand the policy change, there is
13 questions, why are we repeating the information that
14 already exists in the document. So in fact we'll
15 just reference the document direct as the source for
16 storage or potential release of environmental hazards
17 and hazardous material in the buildings. And that's
18 the total -- and that's why they're doing that, to
19 facilitate the fast track cleanup rather than
20 regenerating and re-compiling the existing
21 documentation multiple times.
22 So, the PAS does not formally generate any
23 new information that does not exist in the CERFA
24 document or references that are covered there, as far
25 as I can tell.
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1 BOARDMEMBER ALEXANDER: I'd like to ask this
2 agenda item be put on the next agenda. It's late.
3 It's 10:00. We don't need to beat this thing any
4 further. I appreciate, Colonel Janecek, that you're
5 volunteering this information, but I want to
6 understand this a little more clearly. And I'm
7 hoping in the next two weeks we'll have the
8 opportunity to get a better background on it.

9 I'd like to ask that the Army be prepared to
10 explain fully what these documents mean, perhaps to
11 show examples, documentation, so that we have an idea
12 of what it is, and whether this just is a way of
13 speeding things up or whether it involves some --

14 MR. JANECEK: I guess I would also add,
15 because I'm not sure this has any direct tie to the
16 restoration that this body is trying to pursue, but
17 I'd say that the preliminary assessment screenings
18 that I've generated for the National Park Service for
19 the Golden Gate National restoration are tied to a
20 specific time period, and they are only valid for --
21 from the date they're issued and signed until the
22 date of transfer, or 30 September, whichever comes
23 first.

24 So, they are not in any way meant to be a
25 document that's used by the National Park Service for
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1 future leasing efforts but only for inner use
2 documents to allow the Park Service to take
3 possession of the property and to characterize any
4 hazardous storage in those. They're not a park
5 Service document but an Army document that has a
6 definite expiration date associated with it.

7 BOARDMEMBER REINHARD: I had a question
8 about the Public Service Health Hospital and the
9 Record of Decision. I want to make sure I understand
10 the documents that are actually going to come out on
11 the decision. Am I correct that there are actually
12 maybe two Records of Decision, one by the state and
13 one by the federal government, or it might be the
14 same one with two signatures?

15 And then my second question is who exactly
16 signs the Record of Decision? Is it Colonel Wren?
17 Will somebody from the DTSC sign it? Whose signature
18 actually goes on the Record of Decision?

19 FACILITATOR BUFFORD: Chien?

20 MR. KAO: A draft Remedial Action Plan go
21 out for comment, and when the comments received and
22 have finalized, becomes the Final Remedial Action
23 Plan that satisfies the state requirements. On the
24 federal process, Army believes -- I'm speaking for
25 Army, but what I understand Army believes, they need
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1 to have a proposal plan which is, from my
2 conversation with them, they think it's identical to
3 a document they can use the RAP as they propose a
4 plan. And later on when the comments come back they
5 will finalize and issue a Record of Decision. And
6 that Record of Decision has nothing to do with the
7 state.

8 BOARDMEMBER REINHARD: Who signs the Record
9 of Decision?

10 MR. KAO: Federal.

11 BOARDMEMBER REINHARD: Who?

12 MR. KAO: Army.

13 MR. JANECEK: As far as I know, that
14 decision hasn't been made yet as far as whose name is
15 going to appear on it.

16 BOARDMEMBER REINHARD: Is it somebody like
17 Colonel Ren's level?

18 MR. JANECEK: That's my understanding.

19 BOARDMEMBER REINHARD: And will it be
20 somebody from the sixth Army or headquarters --

21 MR. JANECEK: That hasn't been decided.

22 BOARDMEMBER BUCK: Traditionally, Mr. Walker
23 signs RODs. Now, I think there is some new thought
24 actually on who signed it, and we can get back to you
25 on who definitely is going to sign it. But

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1 traditionally it was Mr. Walker. But I think they're
2 trying to delegate that down.

3 BOARDMEMBER REINHARD: That suggests that
4 that authority has not been delegated regionally.

5 BOARDMEMBER ROSSI: Every ROD I've read or
6 seen has been signed by Mr. Walker, so far.

7 FACILITATOR BUFFORD: Any more comments for
8 the evening? Okay. I'd just like to summarize a
9 little bit what happened tonight. We did establish a

10 meeting location. That's at the GGNRA upper Fort
11 Mason on Tuesdays. The next meeting is August 30th.

12 A workshop will be held September 20th, and
13 that workshop will be on the relevant laws and
14 regulations considering and affecting the selection
15 and performance of the cleanup.

16 Our organizational committee will meet next
17 Tuesday at 7:00. You have the committee list?

18 BOARDMEMBER WILKINS: Yes. I think
19 everybody has put their signature on it.

20 FACILITATOR BUFFORD: And we did add one new
21 committee, new subcommittee, the compliance lead and
22 asbestos.

23 Joan suggested and it was accepted that all
24 subcommittee meetings be announced at the RAB
25 meetings, and we'd like to make sure that happens.

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1 Roberta has promised to follow up on the
2 CERFA documentation.

3 And we've got the PAS for the new agenda,
4 that's the preliminary assessment screening which
5 Colonel Janeczek says is under revision and has been
6 replaced by the CERFA EBS.

7 BOARDMEMBER HORENSTEIN: The organizational
8 committee needs to hang around for a minute to decide
9 where.

10 FACILITATOR BUFFORD: Bennett would like for
11 the organizational committee to remain for one
12 minute, he says, after this meeting adjourns so they
13 can decide on their committee organization.

14 BOARDMEMBER HORENSTEIN: Just our location.

15 BOARDMEMBER ROSSI: We did not specify a
16 location, but the date and time there's only the
17 three of us. We don't need a large room.

18 FACILITATOR BUFFORD: Okay. And again,
19 report back to the RAB Board on those dates, times,
20 and discussions. Thank you very much.

21 (Adjournment)

22
23
24
25

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1 STATE OF CALIFORNIA }
2 COUNTY OF ALAMEDA } SS

3

4 I, Jill Anne Stephenson, Certified Shorthand
5 Reporter, do hereby certify:

6

7 That the foregoing proceeding was taken by me at
8 the time and place therein named; and

9

10 That the same was taken in shorthand and thereafter
11 transcribed into typewritten transcription.

12

13 I further certify that I am a disinterested party
14 to said action and in no way interested in the outcome
15 thereof no connected or related to any of the parties
16 thereto.

17

18 IN WITNESS WHEREOF, I have hereunto set my hand and
19 affix my official seal of office this 31st day of May 1994

20

21

22

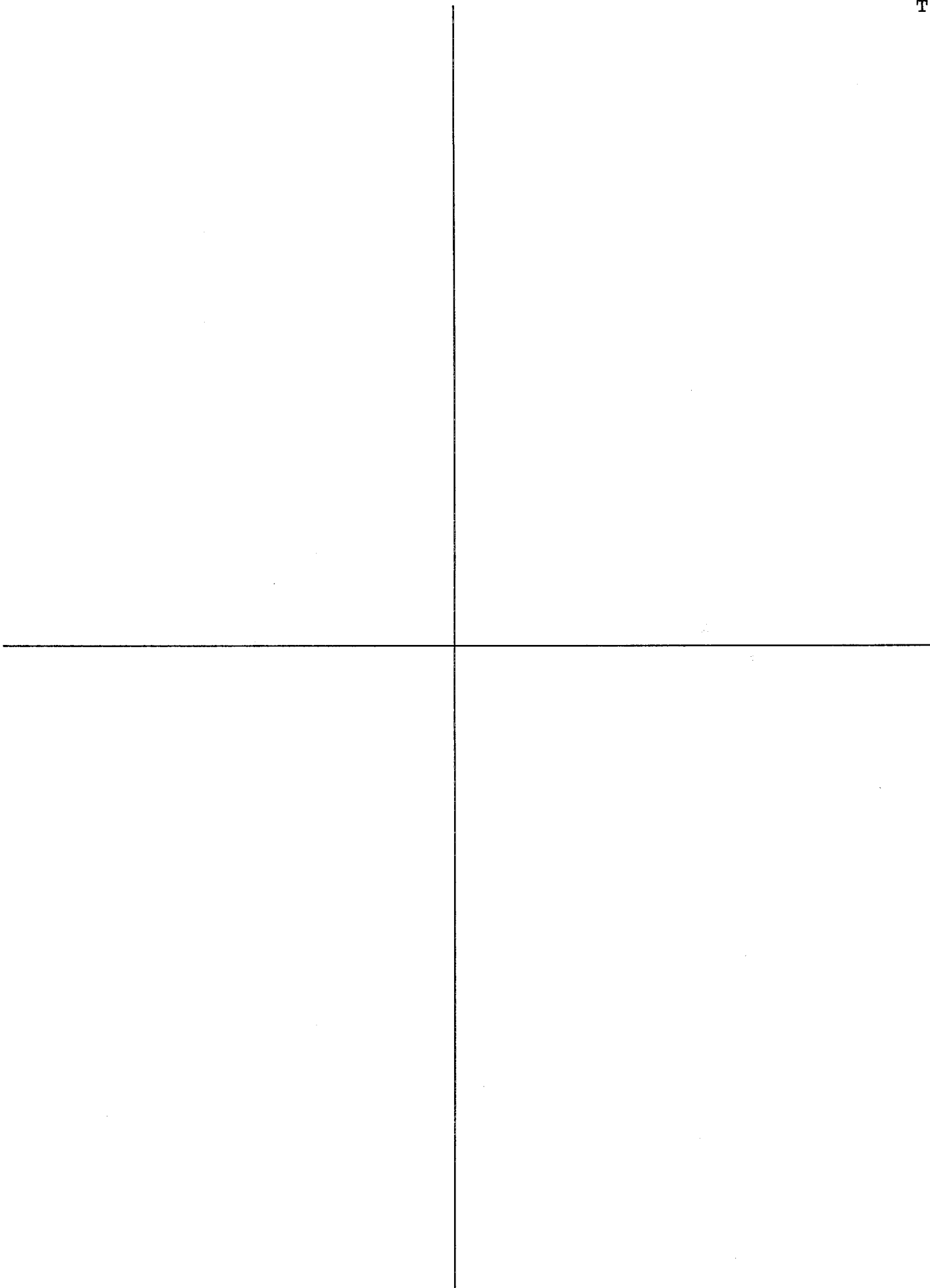
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1 THE RESTORATION ADVISORY BOARD MEETING

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4
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6 **CERTIFIED COPY**7
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9
10 TUESDAY, AUGUST 30TH, 1994

11 HELD AT

12 FORT MASON

13 SAN FRANCISCO, CALIFORNIA

14 7:00 P.M.

15
16
17
18 REPORTER'S TRANSCRIPT OF PROCEEDINGS
19 BY JILL ANNE STEPHENSON CSR 856220
21
22 CLARK REPORTING

23 2161 SHATTUCK AVENUE, SUITE 201

24 BERKELEY, CA 94704

25 (510) 486-0700

1 RESTORATION ADVISORY BOARDMEMBERS:
(COMMUNITY AND TECHNICAL)2
3
4
5 MICHAEL ALEXANDER
HAROLD BALL
6 JANETTE BAXTER
ROBERTA BLANK
7 SAUL BLOOM
J. DENNIS BONNEY
8 GREG BRIDGESTOCK
JOHN BUCK
9 DEXTER CHAN
ROMY FUENTES
10 HEIDI GEWERTZ
JOAN GIRARDOT
11 MICHAEL HEALY
BENNETT HORENSTEIN
12 DOUG KERN
WILLIAM LEE
13 SOL LEVINE
ANDREW LOLLI
14 BRUCE MCKLERROY
HELEN MARTE-BAUTISTA
15 BRUCE MCKLERROY
JAN MONAGHAN
16 WILLIAM LEE/SCOTT NAKAMURA
PETER O'HARA
17 ROBERT REINHARD
ARNOLD ROSSI
18 LARRY STUHL MILLER
BURNET SUMNER
19 LYNN SUER
ELLIS WALLENBERG
20 MARTHA WALTERS
DAVID WILKINS
21 MICHAEL WORK

---000---

1 P R O C E E D I N G S

2 FACILITATOR BUFORD: Good evening, ladies
3 and gentlemen. It's time for us to begin our
4 meeting. We're getting started a little later than
5 normal. Again, for those of you who I've not been
6 introduced to, my name is Shirley Buford. I am the
7 DTSC, Department of Toxic Substances Control public
8 participation specialist, and I am your facilitator
9 tonight for the Presidio RAB meeting.10 I'd like to review your packet to make sure
11 everyone has the information from the table. Also,
12 make sure that you've signed in and that we have a
13 record of your attendance here. You should have the
14 agenda. You should have minutes from the August 1st
15 meeting, review of old business, groundwater
16 treatment system fact sheet, an overview of the
17 restoration process, the restoration milestone on the
18 NEPA process, and a fact sheet on the preliminary
19 assessment screening. So, does everyone have that?20 Okay. The community co-chair is interested
21 in, again, having everyone here on the board
22 introduce themselves so the members of the public and
23 those of you who may not have already met one another
24 know who's who. So, I'd like to start with Joan.
25 Could you start and just introduce yourself and who

1 you represent?

2 BOARDMEMBER GIRARDOT: Joan Girardot, and I
3 represent the Marina Civic Improvement and property
4 owners association.5 BOARDMEMBER WORK: Michael Work, and I'm
6 with the federal EPA.7 BOARDMEMBER REINHARD: I'm Bob Reinhard and
8 representing the Presidio council.9 BOARDMEMBER BONNIE: I'm Dennis Bonnie, and
10 I'm a neighbor of the Presidio.11 BOARDMEMBER ROSSI: Arnie Rossi and I'm the
12 DoD base transition coordinator.13 BOARDMEMBER MCKLERROY: Bruce McKleroy, and I
14 represent the Presidio Heights Association of
15 Neighbors.16 BOARDMEMBER O'HARA: Peter O'Hara, Cal
17 Hollow Association and Neighborhood Association for
18 Presidio Planning.19 BOARDMEMBER CHAN: Dexter Chan, representing
20 Urban Estuary Network.21 BOARDMEMBER KERN: Doug Kern, over on Lake
22 Street, Lake Street Block Association.23 BOARDMEMBER WILKINS: Dave Wilkins, I'm the
24 BRAC environmental coordinator for the Presidio.

25 MS. HAHREN: I'm Leeann Hahren with the

5

1 Sierra Club.

2 BOARDMEMBER BAXTER: Jan Baxter, member of
3 the public.

4 BOARDMEMBER HEALY: Mike Healy, Autobon
5 Society.

6 BOARDMEMBER LEVINE: Sol Levine,
7 environmental resident.

8 BOARDMEMBER HORENSTEIN: Bennett Horenstein,
9 community member, user of the Presidio.

10 BOARDMEMBER MONAGAHN: Jan Monagahn,
11 community member.

12 MS. BROWNELL: Amy Brownell, San Francisco
13 Department of Public Health sitting in for Bill Lee,
14 but...

15 BOARDMEMBER LEE: Bill Lee, San Francisco
16 Department of Public Health.

17 BOARDMEMBER FUENTES: Romy Fuentes from
18 DTSC.

19 MS. LEE: Shin-Roei Lee, with the Water
20 Board.

21 BOARDMEMBER BLANK: Roberta Blank. I
22 represent the National Park Service.

23 MR. BRIDGESTOCK: Greg Bridgestock, Army
24 Corps of Engineers, Sacramento district.

25 FACILITATOR BUFORD: Thank you. We'd like

6

1 to move on to a review of old business from the last
2 meeting. David Wilkins will lead that discussion.

3 BOARDMEMBER WILKINS: I just wanted to
4 provide everyone a recap of some of the things we
5 talked about the last time. And the first enclosure
6 to that review, whole business packet, is the
7 committee roster. So if everybody will just take a
8 quick look at that and see where your name is on that
9 list, and if you want to make any modifications to
10 this, please let me know. I think there were a
11 couple people that our office couldn't get a hold of
12 that missed the last meeting when we signed up and we
13 weren't able to contact them by phone. So if you're
14 not on there, just let me know at the end of the
15 meeting and we can update the list and then get this
16 back out to everybody.

17 We've also enclosed a revised RAB roster
18 based on when Arnie Rossi passed around the list and
19 asked everyone to update it. So please check that
20 again, and if there's any changes or amendments that
21 you need to make to that, you can let the PAO person
22 at the front table know that information for both the
23 committee list and RAB roster. So, let her know.
24 That's Sandy back there, and she can take any changes
25 to that information.

7

1 The organizational committee is going to
2 give a briefing tonight as part of our agenda, but
3 they also -- with the issue regarding facilitator,
4 since we have that committee established, that
5 committee is going to make a recommendation to the
6 board with what we need to do with regard to a
7 facilitator. And there will be more to follow on
8 that. In the meantime, Shirley will continue to do
9 the outstanding job that she has been doing for us.

10 Okay. The meetings, everybody, if you look
11 at Enclosure 3, what we've done is just based on the
12 every other Tuesday requirement we've identified the
13 dates for future RAB meetings. And, of course, these
14 are subject to change based on the determination of
15 the group here. The one off-Tuesday being September
16 20th, that's the day we're going to have our workshop
17 on legal issues. And that's in Enclosure 3. That's
18 the future RAB meeting date. So everybody make your
19 calendars accordingly.

20 Another thing we talked about at the last
21 meeting was the membership's concern regarding the
22 status of maintenance, activities and compliance
23 programs on the Presidio. And because of the joint
24 nature of those responsibilities, we've identified
25 the points of contact that people requested. As you

8

1 can see, Roberta is going to be the point of contact
2 for Park Service, and Dave Permenko, who is a
3 facility manager and Matt Gapinski, who is the
4 environmental compliance manager, those are the
5 points of contact for the Army for those areas.
6 Please, address your concerns in writing to those
7 people so they can respond to you likewise.

8 And then the last thing we talked about when
9 we got into the big discussion regarding what's the
10 scope of the RAB, what are they supposed to talk
11 about, you know, the voting issue and all that, as I
12 mentioned, we have requested guidance from the
13 proponent. My office has -- we received
14 acknowledgement of that request, but we still have
15 not received the official response yet. For your
16 information, though, the proponent for policy on
17 restoration advisory board is listed there in Item 6.
18 So, that is for your information.

19 BOARDMEMBER REINHARD: What is it?

20 BOARDMEMBER ROSSI: Pat Rivers works for
21 Sherry Goodman, so she's the action officer, we call
22 it in the building. She has an official title, but
23 the signature proponent, the signature proponent of
24 the policy is Ms. Sherry Goodman. That may be
25 bureaucrat talk, but Pat Rivers is the person who

9

1 really creates it, writes it, drafts it, coordinates
2 it, but the one that signs it is Sherry Goodman.
3 BOARDMEMBER WILKINS: And this is probably a
4 bureaucratic address, so if you send it to there it's
5 going to get to the right person eventually.

6 FACILITATOR BUFORD: I do have information
7 for Joan and her committee how to get in touch with
8 Pat Rivers, so I will pass that on to her for her
9 public outreach committee.

10 Are there any questions about old business?
11 Rob?

12 BOARDMEMBER REINHARD: Yes, about the
13 September 20th date for the workshop, has there been
14 a place established for it or anything else about the
15 structure of that?

16 BOARDMEMBER WILKINS: No, there hasn't been,
17 but there will be.

18 BOARDMEMBER REINHARD: Well, it's two more
19 days until September 1st.

20 BOARDMEMBER WILKINS: And you will be
21 intimately involved in that whole process. But it is
22 going to be here, though. The location is already
23 determined. But as far as the structure and
24 everything, right, we're still going to work that
25 out.

11

1 consensus that the meeting structure, meeting policy,
2 meeting format is a big issue for all of us. So
3 that's what we focused on in our first meeting.

4 I'll kind of run through this. I'm sure
5 there will be some discussion items. What we are
6 looking for, perhaps, is -- "concept approval" is a
7 term Arnie came up with, and I think a good one. The
8 details certainly need to be worked out. We're
9 looking at the general RAB to nod, one collective nod
10 that we are in the right direction, and this is what
11 we all want.

12 On the agenda, we think we need the agenda
13 published prior to the meeting to give a chance for
14 both RAB members and the public to review it. That's
15 something I think that as far as the public we can
16 request the public committee to perhaps get a liaison
17 in the media to get these perhaps published or at
18 least some of their outreach into the public. But
19 certainly the RAB members should have an opportunity
20 to look at the agenda before the meetings.

21 Co-chairs. And I think we're doing the
22 second item regarding developing the agenda based on
23 RAB input and review. If there are differences among
24 the co-chairs on the agenda item, we think it's
25 appropriate that's brought to the RAB for discussion.

1 FACILITATOR BUFORD: So it will be at Fort
2 Mason?

3 BOARDMEMBER WILKINS: Right here, September
4 20th, 7:00 p.m. He's talking about how we're
5 actually going to do the workshop, who's going to do
6 the presenting and all that stuff.

7 FACILITATOR BUFORD: So the location and the
8 dates are both set. It's the panel members who are
9 still working it out.

10 BOARDMEMBER ROSSI: What was the subject or
11 focus?

12 BOARDMEMBER WILKINS: Legal considerations
13 affecting cleanup, and I think there was an extension
14 for that title, but essentially that was it.

15 FACILITATOR BUFORD: Any more comments on
16 old business? We'd like to move on then, to
17 committee reports, Organization Committee. Is that
18 you, Bennett?

19 BOARDMEMBER HORENSTEIN: Yes. I was the
20 designated spokesperson tonight. I think everyone
21 got a copy that we just passed around just now. It's
22 a three-page organizational committee meeting number
23 one notes. What we did is there was a little
24 brainstorming and talking. There's a lot of issues
25 we could have focused on. We reached kind of a

12

1 And very important, the agenda should not be used to
2 control what topics are appropriate or not. Just
3 because the co-chairs are writing up the agenda, that
4 should not be -- and perhaps we need to talk about
5 that -- a control-type mechanism.

6 And then the next item is very important.
7 We want an opportunity for the RAB at the start of
8 the meeting to approve the agenda, to look at it, to
9 comment on it, allow the general public to comment on
10 it, to add items into the agenda, and then for the
11 RAB to approve the final agenda before we proceed.
12 And then at the end of the meeting, an opportunity
13 for the RAB members to begin the agenda for the next
14 meeting. If there's items someone wants in the next
15 agenda and we all agree, that will be an agenda item
16 next meeting.

17 Meeting structure. This is kind of general
18 process for the meeting. We felt it's important to
19 have some type of structure we all agree on to give
20 the facilitator a tool to go through the meeting, and
21 something we all know what to expect and follow and
22 have some comfort with.

23 The quick review of process rules, which we
24 haven't developed yet, but that would deal -- you
25 don't yell out, there's no speeches for more than

13

1 five minutes, those kind of things. We think that's
2 needed to keep moving along and get out of here
3 before midnight.

4 Review of agenda as published. We talked
5 about that a minute ago, and approval of agenda.

6 Review of the old meeting minutes. I'll
7 talk about minutes in a moment, but I think that's a
8 very big issue that we all can probably agree on.
9 Committee reports, again, governing agency responses
10 to RAB, hopefully that's in response to issues that
11 were explicitly noted in the minutes. New business,
12 relevant to issues discussion. Summary of the
13 meeting. Again, this was at the end of the meeting
14 we would kind of agree that these are the actions
15 items of the meeting. We all agree it is perhaps
16 missing a little documentation of action items two
17 meetings ago. I don't know what they are and I
18 haven't gone through this 25-page document. And then
19 an opportunity to add items to the next meeting
20 agenda.

21 Again, very important, I think, and I think
22 it's something we may all agree on, minutes, that
23 there's a need for the RAB to have the documentation
24 and a product of our meetings beyond this verbatim
25 transcript. This transcript probably serves well

15

1 We believe that as a RAB we need to provide
2 structure for the facilitator, that is our
3 facilitator, and kind of agreed with the direction
4 we've talked about before to vary the facilitator,
5 and as a RAB, evaluate different ones, styles,
6 capabilities, and come up after a few with hopefully
7 a consensus if this facilitator meets our needs.

8 We'll go in more detail on this probably at
9 another meeting: Where are we going to find
10 facilitators? Universities, independent groups,
11 existing members of RABs have expressed interest, and
12 that's an option as well. Fund resources for
13 facilitators; what if they charge? I don't know if
14 there's a pocket to dig into for that.

15 Other organizational issues that we really
16 -- again, kind of talked less on this, but we wanted
17 to know, certainly, in our discussion after this,
18 assuming there is one, opportunity for other issues
19 that members of the RAB want us to look into.

20 Committees. Agree that each committee needs
21 a chairman or at least a spokesperson to present the
22 report. It can change. All actions and decisions by
23 a committee should be approved by the RAB. They
24 shouldn't be independent entities. They should work
25 for the RAB.

14

1 legal records or documentation or whatever other
2 reason we need it, but it's not a useful document for
3 review of what we really accomplished in that
4 meeting, and it's certainly not too useful for us to
5 present to the Department of the Army and say, "These
6 are the issues that the RAB requested," or "These are
7 the decisions; these are the votes; these are the
8 action items."

9 We're looking for perhaps a two-to
10 three-page meeting summary. Of course, that brings
11 up the issue of who's going to do that; resources.
12 Options are we elect a secretary of the RAB; the
13 facilitator is charged with it, or the co-chairs.
14 And there's certainly others. Something we need to
15 talk about if we agree we need this as a product of
16 every meeting.

17 Facilitator. We touched on it. What David
18 mentioned, Item 3 is the organizational committee is
19 charged with it. That's kind of a new topic. We
20 didn't know we were charged with it. We were just
21 talking in general overview. We didn't go in to a
22 high level of detail on it. We talked about do we
23 need a facilitator, and I think we agreed, the
24 organizational committee did, that we do need a
25 facilitator.

16

1 Meeting logistics decided by individual
2 committee. Assignments both self-generated and given
3 by RAB or co-chairs, as the case earlier.

4 Other issues we didn't get to but we feel
5 are necessary and we plan on it, term of community
6 co-chair and alternate, mission statement of our RAB,
7 meeting ground rules. And I mentioned that. And
8 these would be very brief ground rules that would be
9 reviewed at the beginning of a meeting. Like the
10 speeches, follow the agenda, speaking out of order,
11 just some brief ground rules for our meetings to be
12 able to proceed. Attendance at meetings, voting
13 consensus procedures, and we'll incorporate, of
14 course. Pat Rivers agreed on that.

15 So that's a brief overview, comments,
16 critiques. And let me also note that this was -- I
17 did this up today -- this wasn't reviewed or approved
18 by the other attendees, so there's probably mistakes,
19 but this is Bennett's interpretation of a fast and
20 furious four-or five-hour meeting.

21 FACILITATOR BUFORD: We'd like to open it up
22 for comments.

23 BOARDMEMBER ROSSI: I think we began an
24 excellent summary, I believe, of what we came up
25 with. But, as usual, I'm going to have to say

17

1 there's always a little spin on everything, which is
2 normal. Let just me add a few points.
3 One, on the agenda, what Bennett, I believe,
4 clearly pointed out, I believe that the purpose for
5 our motion to -- well, not our motion, but our
6 proposal to consider the approval by the body of the
7 RAB of the agenda for the topics to be discussed that
8 night, because sometimes not all of the agenda items
9 by the individual members as proposed may not make it
10 -- that's number one -- into the agenda, for one
11 reason or the other. So this gives it at least an
12 opportunity for an expression of why not, if there is
13 a why not.
14 And also it adds to the element of the
15 public, what we talked about in terms of having an
16 opportunity at the beginning of the meeting, and then
17 the formal process of saying, "These are the topics,
18 we're going to spend our time on for this evening,"
19 everyone having a clear mind saying, "This is what we
20 are going to address."
21 The second thing about the meetings, you
22 indicated that we gave you, I think, a skeletal
23 design in normal sequence of events, not necessarily
24 the way you all approve the final process, but to
25 lend some sort of logic and order for what we are

1 trying to do. On minutes I've got to put in a little
2 something, because I think the focus here -- if not
3 we're going to get into a big arm wrestling contest,
4 and I know even with the proponents with respect to
5 voting or guidance or advice -- remember the charter.
6 Advise. Okay?
7 So I think what I was trying to say is that
8 regardless of what we call the results or the
9 product, one way of transmitting our advice to the
10 Army would be via the minutes. Whether we call it
11 advice or a consensus vote of a decision we reached
12 that we think you ought to clean up parcel umpteumpt
13 to this level or whatever, it's always advice.
14 And the next one, the facilitator, I have to
15 add that the facilitator role is very clear in the
16 guidance in this book, it's very clear at
17 conferences, it's very clear, really, throughout the
18 institution of having advisory boards or community
19 boards, that the facilitator is like an umpire. The
20 RAB is the National Football League Rules Committee,
21 or whatever. You come up with rules and then he
22 simply follows them. His focus is on the process,
23 not on the agenda items, to ensure that the rules are
24 followed as established by the RAB.
25 So that, to me, makes a slightly different

19

1 spin than somewhat of a try-out whether or not we all
2 like this guy the way he lives or doesn't live. Some
3 referees have a big voice, a long whistle, and some
4 have a soft voice and a short whistle, but as long as
5 they interpret the rules the way you want them to,
6 who cares?
7 BOARDMEMBER HORENSTEIN: But I don't think
8 we want different facilitators at every meeting,
9 right?
10 BOARDMEMBER ROSSI: No, no.
11 BOARDMEMBER HORENSTEIN: We want, for
12 whatever method we use to select one, to come up with
13 a facilitator.
14 BOARDMEMBER ROSSI: You need to decide on a
15 facilitator and then make sure that facilitator
16 follows whatever rules you proscribe.
17 So, those were just the additional
18 embellishments, so to speak, to an excellent
19 presentation.
20 FACILITATOR BUFORD: Any more comments on
21 Bennett's report?
22 BOARDMEMBER LEVINE: I think what Mr. Rossi
23 said is true, but I think one of the things we
24 discussed was the true role of the facilitator, like
25 a parliamentarian. He's got to be first a

20

1 parliamentarian to be able to run the meeting with
2 fairness. And I'll back that up, not with any input
3 into advisor policy, that the facilitator must be a
4 very strong parliamentarian with very strong emphasis
5 on discipline and being able to run the meeting
6 strongly. And I think that's very, very important.
7 The other point we made was why we thought
8 that possibly we would want to try some people out.
9 And one of the things that we came up here, and what
10 I'm trying to find out is on Page 3 was what type of
11 resources are available for a facilitator. Are there
12 any ground rules that we should be made aware of that
13 we won't be surprised with as far as the RAB or the
14 Army is concerned.
15 FACILITATOR BUFORD: As far as your search
16 for --
17 BOARDMEMBER LEVINE: In search for a
18 facilitator. Someone mentioned to me that we may not
19 be able to appoint a RAB member as a facilitator.
20 BOARDMEMBER WILKINS: Well, I can talk about
21 the funding part. Yes, there are funds available to
22 pay for facilitation services, should the RAB decide
23 to go that route. But the only, I guess, limitation,
24 if you will, is just a timing thing. It takes time
25 to establish that, a contract to do that, probably

21

1 about a month. So, maybe one RAB or possibly two
2 where that particular facilitator wouldn't be
3 available because the contract and funding and all
4 that has to get sorted out. But, yes, there are
5 funds available.

6 BOARDMEMBER LEVINE: Are there any
7 restrictions?

8 BOARDMEMBER WILKINS: No, just that, just
9 the time thing on getting the contract set up. But
10 I've been given funds to use for particular service,
11 should we decide to do that.

12 BOARDMEMBER GIRARDOT: I would recommend
13 that the facilitator not be a present RAB member and
14 I would recommend, as Sol pointed out, that at a
15 minimum the facilitator be a parliamentarian.

16 FACILITATOR BUFORD: Any comments on Joan's
17 comment?

18 BOARDMEMBER REINHARD: Well, I guess my
19 comment is I'd like to ask if Doug would care to talk
20 about his interest or lack of interest now in light
21 of what's been happening -- it just so happens that
22 on our RAB we have somebody who has a particular
23 skill. And I think we are fortunate, you know, when
24 that's the case, if someone is interested we should
25 -- I mean, we're talking a little bit in the abstract

22

1 when we say words like "parliamentarian" or "should
2 exert discipline," but I think I'd like to hear more
3 ideas from people who think about these things. So,
4 what would you do, or how would it work?

5 BOARDMEMBER KERN: I could talk a little
6 about that. Bob and a few other people came to me
7 and said, "Would you be able to do this? Would you
8 want to do that?" I've talked to David a little bit
9 about it. I think where I stand on this personally
10 is I would be very happy as kind of a demonstration
11 to do a meeting so you could see what that would be
12 like, and you could decide some of these issues, you
13 know, was it fair, was it parliamentarian enough, did
14 all these things -- what worked for you, talk to
15 Shirley a bit about it. It was really a matter of
16 style that, would that appeal to people.

17 So I've put that out there purely on a
18 volunteer basis without any kind of pay. I don't
19 seek any kind of money or anything. It is a
20 business. It is my business. I want everybody to
21 know that. But that's not why I joined the RAB. I
22 have no interest in coming here to facilitate this
23 forever. I'd rather participate. But I will put
24 that out there as something that I would do for the
25 RAB if that was something it wanted me to do.

23

1 There are many things, in addition to what
2 the organizational committee has come up with, which
3 I think are good that would help the meeting. I
4 mean, there are very simple things that could really
5 help, name tags, flip charts. There's all kind of
6 things that would assist and you could get a flavor
7 of what you like and didn't like. So, I'll throw
8 that out there as a possibility.

9 FACILITATOR BUFORD: Any other comments on
10 the facilitation or facilitator and Joan's comment
11 about --

12 BOARDMEMBER GIRARDOT: I have some people in
13 mind that I would like to recommend. I would like to
14 contact them first but I would recommend them.

15 FACILITATOR BUFORD: Bennett, did your
16 committee decide you would take the lead on
17 determining --

18 BOARDMEMBER HORENSTEIN: Not the committee,
19 I think the co-chairs on Item 3 charging the
20 organizational committee --

21 BOARDMEMBER WILKINS: Yeah. After all the
22 discussion of it last month with regards to a
23 facilitator, basically Bob and I just determined it
24 would be best if an organizational committee get set
25 up to discuss these types of things, discuss all of

24

1 Joan's options, Doug's options, Bob's options, the
2 options of EPA volunteers who come to me on my
3 request through Michael. All of these options maybe
4 you guys or your committee could toss these things
5 around and come back with a recommendation to the
6 group on what we do about a facilitator. So, that
7 was the whole idea about that, and I think that was
8 the fairest way to do it.

9 FACILITATOR BUFORD: The two co-chairs
10 would --

11 BOARDMEMBER WILKINS: No, no, the
12 organizational committee. So, my only suggestion
13 with that, it would be like Joan, for all the
14 suggestions you may have after you get a chance to
15 talk to your points of contact, feed that information
16 to Bennett or one of the other three members of the
17 organizational committee, and then at the next point
18 they get together to discuss this issue they can do a
19 presentation at the next meeting.

20 BOARDMEMBER LEVINE: Can we put some sort of
21 a limit, because we can get about 25 or 30 names and
22 be overwhelmed. I think what we should do as the
23 organizational committee is to meet and select maybe
24 three or four people and then have a formal vote or
25 consensus at the next RAB meeting. We can review. I

25

1 think I'd like to invite Joan to come to our next
2 meeting so she can present it and, of course, Doug
3 here also to come so we can get their input and then
4 set up a mechanism to then select a facilitator or
5 recommend the selection of the facilitator.

6 BOARDMEMBER BAXTER: Would it be helpful if
7 we had an idea from the RAB if they wanted us to
8 limit it on certain groups like community members of
9 neutral third parties, or only to people from
10 universities or some related -- if they could give us
11 an idea of the pool of names to draw from. That
12 would help us a lot in sorting through the various
13 proposed people.

14 FACILITATOR BUFORD: Okay. Joan, you've
15 been invited to participate on this committee. Is
16 that acceptable?

17 BOARDMEMBER GIRARDOT: Yes. When is the
18 next meeting?

19 BOARDMEMBER ROSSI: We'll get together.

20 FACILITATOR BUFORD: So you'll become a
21 member of the organizational committee to determine
22 the facilitator for your upcoming meetings. Any more
23 discussion? Rob?

24 BOARDMEMBER REINHARD: I'm a little unclear
25 here. Does this mean we have -- it seems like we've

1 gone three steps. Have we taken the first step that
2 we've all agreed at the point here that we should try
3 varying facilitators? Because you're now at the
4 point that now we have a pool of names to select. In
5 other words, we are assuming that that's what we're
6 going to do. And the next thing is choose one. Have
7 we taken the first step, and can we do that now?

8 BOARDMEMBER HORENSTEIN: I think we are
9 going to bring to the RAB recommendations on how to
10 proceed with the facilitator, presumably names -- or
11 does the RAB want four names, is a good question.

12 BOARDMEMBER REINHARD: So we have not
13 decided tonight that we are going to vary. Is that
14 the idea?

15 FACILITATOR BUFORD: The committee on
16 committees will make that decision, or --

17 BOARDMEMBER REINHARD: Well, I'm just a
18 little concerned that, you know, maybe we could go
19 back through your report and try to identify anything
20 in the report that we actually can say firmly and
21 with confidence tonight that we like what you said.
22 Otherwise we're always going to be recommending
23 things and never doing anything.

24 BOARDMEMBER HORENSTEIN: I think that's
25 great, because there are particular points here that

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1 could -- do we want the agenda published before the
2 meeting?

3 BOARDMEMBER REINHARD: Yeah, I mean, are
4 there any things like that including about the
5 facilitator we can say, boom, tonight?

6 FACILITATOR BUFORD: Rob do you want to
7 start at the very beginning on the agenda and go
8 through this paper and get feedback -- is that your
9 suggestion?

10 BOARDMEMBER REINHARD: Yes, that we go
11 through this and say are any of these ideas we can
12 say yes.

13 FACILITATOR BUFORD: What happened is that
14 we jumped from the agenda to the facilitator. So Rob
15 is trying to bring us back to the overall paper and
16 start from the beginning.

17 BOARDMEMBER REINHARD: One of which is a
18 facilitator.

19 FACILITATOR BUFORD: One of which is the
20 facilitator. And the community co-chair, it sounds
21 to me, is interested in the rest of the RAB members
22 discussing the other items in this paper; is that
23 correct?

24 BOARDMEMBER REINHARD: Yes, and coming to
25 some conclusion about their recommendation and ideas.

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1 FACILITATOR BUFORD: Before we do that,
2 these two gentlemen.

3 BOARDMEMBER O'HARA: Well, I suppose what I
4 was going to suggest was that rather than go back and
5 start at the beginning of the meeting rules or the
6 report from the organizational committee, is you get
7 this business with the facilitator out of the way
8 since we were 90% of the way home, and then go onto
9 -- go back to the beginning of the report.

10 But it seems to me by the time we get down
11 to the facilitator issue or item we're going to
12 revisit the whole thing over again. We're 90% of the
13 way home. Let's get there.

14 BOARDMEMBER WILKINS: For the facilitator
15 thing, the only reason we were talking about that is
16 because that was a thing the organizational committee
17 -- that was not an official tasking from the RAB or
18 from the co-chairs. It was a thing that just
19 happened basically in the last week. So the deal is
20 on, that is that if you have some input on what you
21 want to do with regards to a facilitator, feed your
22 input into one of the four names, Jan, Bennett, Arnie
23 or Sol, and at whatever point they meet and discuss
24 this issue, at the next RAB they're going to come
25 back with a recommendation regarding the facilitator.

29

1 So that's enough said about that.

2 Does anyone have a problem with that?

3 BOARDMEMBER WILKINS: What's that?

4 BOARDMEMBER ROSSI: I do. Since we're still
5 discussing our committee report and we had not
6 completed the discussion on facilitators, and I'm
7 here now to -- and since someone threw their hat on
8 the table concerning wanting to be a facilitator, I
9 would just like to officially inform the RAB of my
10 role.

11 I made this presentation at the very first
12 meeting, but apparently it just passes people. So I
13 will recap, what is a base transition coordinator,
14 and I'm reading it. This is from DoD, prepared:

15 "It is the single federal point
16 of contact for community and
17 installation to cut through red
18 tape and remove impediments."

19 Now, whether or not it can do that, that's
20 beside the point. But the next one is important, and
21 it's important for this body. And it says that I am
22 by law -- and there's a public law attached to it --
23 the full-time, on site, ombudsman. Now, the last
24 time I looked at the definition of ombudsman, I'm
25 supposed to represent all sides.

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1 resolve them. That's just the basic charter.

2 So, what I'm here to say for the record,
3 folks, is we've been struggling for six weeks trying
4 to produce something, even to run a meeting where
5 maybe at the end we can present the Army with saying,
6 "This is what we would like for you to look at." And
7 I'm here. And by law, I am your facilitator.

8 Now, whether you choose to use me or not,
9 because some of you may think I am somewhat
10 prejudiced because I am a member of the Department of
11 Defense, okay, so be it. But I can tell you that I'm
12 not supposed to be. Just like the umpires, even
13 though they're paid by the league, are supposed to be
14 impartial.

15 FACILITATOR BUFORD: So you are a member of
16 the organizational committee and do have objections
17 to this committee taking a pool of names as has been
18 recommended?

19 BOARDMEMBER ROSSI: No. We're still on the
20 discussion of the facilitator. Now I suggest we go
21 back and then present our proposal and ask the RAB to
22 either approve our presentation or modify it, change
23 it, go back to committee or whatever you want us to
24 do. I think that's what you're saying.

25 BOARDMEMBER REINHARD: Yeah, I agree with

30

1 Then the next bullet is quite significant,
2 and I'm not advocating to be your permanent
3 facilitator, coordinator or moderator, but what I am
4 saying is what the law has said and what my charter
5 says, I'm a coordinator and facilitator. So, as I
6 offered the very first time, that I could be a very
7 good interim first step get off the ground, hopefully
8 prior to six meetings kind of facilitator, and then
9 the next one, of course, that talks about technically
10 proficient, and I'm talking about that, since I have
11 many years of experience in the federal business, and
12 some of it has been as an organizational
13 effectiveness instructor and facilitator and
14 moderator. So, I do have years of experience in that
15 line. So, I am technically proficient in that area.

16 I'm aware, according to this charter, and a
17 good facilitator and coordinator is supposed to be
18 aware and involved in the community's interest and be
19 aware of the Army's or the installation requirements.
20 And I think I am. So, I can represent both sides.

21 He is supposed to be, according to the law,
22 an advocate who fosters community interaction with
23 other federal agencies -- and in this particular case
24 we're talking about the EPA -- and he must be
25 proactive with members' affiliations to try to

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1 Peter that maybe we should finish out this discussion
2 about facilitator, and I have another question or
3 comment.

4 FACILITATOR BUFORD: You've been recognized.

5 BOARDMEMBER REINHARD: I just either want
6 the Army to clarify or have it understood that the
7 charter or the description you just held up, I think,
8 is something we should all take account of, but I
9 think it means facilitator of base transition and not
10 of the Recreation Advisory Board specifically.

11 BOARDMEMBER ROSSI: What I said in my
12 comment, that I'm not offering my services but I
13 could be a good starter.

14 BOARDMEMBER REINHARD: Yes, and like I say
15 -- I just want to go back to what I said before, that
16 we on the RAB and outside there are people who have
17 unique skills, Army, Doug, people that EPA has
18 proposed, the people that Joan is thinking -- in
19 other words, we're lucky. We're fortunate to have
20 people who are interested, motivated and experienced
21 in doing this, and I think that's what we've been
22 saying to this committee.

23 BOARDMEMBER ROSSI: And I'm including myself
24 in that highly skilled, highly trained, highly
25 technically proficient group.

1 FACILITATOR BUFORD: Sol?
 2 BOARDMEMBER LEVINE: Real quick. I think
 3 that what you just said, Arnie, is quite true, but
 4 let's get it back. We have an organizational
 5 committee that is supposed to discuss these points.
 6 I think it's quite apropos that we've invited Joan
 7 and other people to recommend to us what they feel,
 8 and we'll lay out the discussion and come back to the
 9 RAB at the next meeting, and then let's decide
 10 instead of batting this around.
 11 We had quite a lot to discuss in this
 12 organizational report. I think to get started in a
 13 parliamentary way, I'd like to make a motion that
 14 since this facilitator question was presented to your
 15 organizational committee meeting, committee now, that
 16 we have a motion that we should just now turn it back
 17 to the organizational meeting and invite these other
 18 people to be part of and make a presentation at the
 19 next RAB and end that discussion now so we can get on
 20 with it. Otherwise we're going back to the same
 21 thing we've had for the last six weeks.
 22 BOARDMEMBER WILKINS: I'll second that.
 23 FACILITATOR BUFORD: There's been a motion
 24 that the organizational committee come up with some
 25 recommendations for the rest of the RAB members, and

1 that will happen at the next RAB meeting. Are there
 2 any objections to that motion?
 3 BOARDMEMBER REINHARD: I don't understand
 4 what we're voting on. Is it just on the facilitator,
 5 or the idea --
 6 FACILITATOR BUFORD: It's just on the
 7 facilitator, and you have expressed an interest in
 8 going back to this organizational report, to go and
 9 to discuss the other issues here. So, we want to
 10 close up the facilitators. I understand you'd like
 11 to take a vote on that.
 12 BOARDMEMBER LEVINE: I think there is a very
 13 important point. I think we should get started in
 14 this procedure of voting, so that we don't have
 15 continual discussions and going back to questions.
 16 FACILITATOR BUFORD: All of those who are in
 17 favor --
 18 BOARDMEMBER MCKLERoy: We're broaching a new
 19 subject here on this voting issue. If we decide to
 20 go into voting, we can use parliamentary procedure or
 21 we can use a limitation of discussion. We can close
 22 discussion. We can table matters. I mean, that
 23 gives us a great deal of latitude in dealing with the
 24 issues that we can't seem to deal with effectively
 25 here.

1 FACILITATOR BUFORD: That's a major concern,
 2 and when I was approached today, that's the way they
 3 want to hold this meeting. They want to have a vote
 4 so they can get started. Now, my understanding is
 5 the organizational committee would come back with
 6 recommendations on voting and committee structure and
 7 also meeting structure, whether you want to use
 8 parliamentary procedure or use another format.
 9 So, that's why I opened it up in terms of
 10 whether you want to vote to have this committee go
 11 back and discuss at least this one issue of the
 12 facilitator. Do you have an objection to that?
 13 BOARDMEMBER MCKLERoy: No, I don't. What
 14 I'm trying to clarify is that we're going to use a
 15 limited voting procedure to instruct our committees
 16 and their activities.
 17 FACILITATOR BUFORD: This one committee.
 18 BOARDMEMBER LEVINE: I think at this time
 19 just one --
 20 FACILITATOR BUFORD: This question is
 21 directed for this one committee, the committee -- to
 22 organize and then you'll come up with other forms of
 23 how to structure and remedy and whether or not you'll
 24 use parliamentary procedures and/or vote and that
 25 consensus.

1 BOARDMEMBER HORENSTEIN: We haven't really
 2 recommended voting procedures and the RAB hasn't
 3 really agreed to it yet. So what you're suggesting,
 4 are we just jumping into voting? Does this have a
 5 precedent on decisions?
 6 FACILITATOR BUFORD: We did have a vote. We
 7 voted for the chair, community chair and alternate.
 8 So there has been a vote held for that. And in the
 9 rules, organizational issues, you can establish that
 10 vote. I don't want to go beyond that in terms of
 11 voting, but I do want to ask, do you want to vote to
 12 have this organizational committee follow the
 13 recommendations for selecting a permanent facilitator
 14 and/or another form of running the meeting, rotating
 15 facilitators.
 16 BOARDMEMBER MCKLERoy: No objection.
 17 FACILITATOR BUFORD: There's a motion on the
 18 floor to have this committee look at a pool of
 19 candidates, and that motion was seconded. Bill?
 20 BOARDMEMBER LEE: Shirley, I haven't been to
 21 some of these meetings in a while, but other RABs in
 22 the state, they do vote.
 23 FACILITATOR BUFORD: On organizational
 24 process.
 25 BOARDMEMBER LEE: But some of the issues

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1 we're basically discussing, is there a way you can
2 summarize some of the discussions already made by
3 RABs further advanced than this RAB? So, we can get
4 away with some crossing the Ts and dotting the Is
5 because what I see thus far is we're going to get
6 stuck with the process without making any decisions.
7 And if there's anything the state toxics or EPA or
8 some of your Superfund RABs can provide some
9 direction as to what other committees are doing,
10 because I don't think we should be reinventing the
11 wheel at this time.

12 FACILITATOR BUFORD: I don't think we're
13 reinventing the wheel. I think what the rules say
14 are that the communities have an option to vote on
15 organizational issues and not consensus building on
16 decisions for cleanup alternatives, and those are two
17 separate issues. So, we're talking about
18 organizational issues, and we have, as I said, had
19 one vote to select the community co-chair and an
20 alternate.

21 I'm asking the body if they want to vote to
22 have this committee determine whether or not they
23 will find a facilitator that will represent the
24 interests of the board.

25 BOARDMEMBER LEE: I don't disagree. What

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1 I'm saying is there are other decisions that have
2 been done or made by other RABs in the state. What
3 I'm looking for is a frame of reference for the
4 people on the RAB so we don't have to reinvent the
5 wheel, so therefore we know when we can vote, when we
6 can't --

7 FACILITATOR BUFORD: Other RABs have had
8 real problems organizing because of charters, mission
9 statements, but they have done it in committee and --

10 BOARDMEMBER HORENSTEIN: If you look at
11 Committee No. 4 it's public liaison and outreach to
12 other RABs, and presumably that committee is going to
13 get in contact with other RABs to get that type of
14 information you're asking about. I think we all
15 agree that we need to be in contact with other RABs
16 and start that outreach process. I think that's
17 something that committee is charged with.

18 FACILITATOR BUFORD: None of the charters or
19 organizational documents from any of the other RABs
20 have been finalized because of this issue of voting.
21 There have been numerous documents put on the table.
22 But this discussion is taking place up and down the
23 state.

24 So, that's why, again, I'd like to ask if
25 the RAB members would like to vote to have a

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1 committee make those recommendations to the rest of
2 the RAB.

3 BOARDMEMBER GIRARDOT: Shirley, are we
4 voting to let the organizational committee screen
5 people and rule out people?

6 FACILITATOR BUFORD: I think the motion, if
7 I can remember, is that you -- they want
8 recommendations from this committee to bring to the
9 entire RAB. And, yes, my understanding is that there
10 would be a screening process and you, Jan Baxter,
11 Bennett Horenstein, Arnold Rossi, Sol Levine would be
12 those members who would look at the applications.

13 BOARDMEMBER LEVINE: I don't think the word
14 "screening" should be used. I think what I meant to
15 say was that we should limit it as much as possible
16 because of length of time. We can have 30 people
17 recommended, and what I'm saying is we'll make our
18 recommendation, but also when we come back to the RAB
19 to be able to say that these are the other people who
20 were recommended, and if anybody wanted to speak to
21 them they should be able to. I think that's the best
22 way to do it.

23 BOARDMEMBER HORENSTEIN: Like with all
24 committee recommendations there's an opportunity to
25 speak up and express dissension and get the RAB to

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1 approve or not approve or come up with a different
2 alternative. The idea is I hope we'll come out with
3 as far as facilitators -- to end this is we'll come
4 out with Alternative A, B and C. Alternative A may
5 be to rotate these four facilitators. B, stick with
6 this great one we have, and C, no facilitators. That
7 ends the issue, then we proceed with the next issue.

8 FACILITATOR BUFORD: Joan, does that clarify
9 your question?

10 BOARDMEMBER GIRARDOT: Yeah, it does.
11 That's okay.

12 FACILITATOR BUFORD: I'm ready to take a
13 vote. All of those in favor of allowing the
14 organizational committee to recommend to the rest of
15 the RAB members names of potential facilitators?

16 BOARDMEMBER HORENSTEIN: Alternatives to the
17 facilitation process, which one probably would be
18 names.

19 FACILITATOR BUFORD: Names and other
20 alternatives for utilizing a facilitator. Can I get
21 a show of hands for those in favor?

22 (Hands)

23 FACILITATOR BUFORD: All right. Moving onto
24 the next.

25 BOARDMEMBER BAXTER: I thought we were going

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1 to have feedback from the RAB on whether or not they
2 looked what we proposed.
3 FACILITATOR BUFORD: That's the agenda. The
4 agenda is No. 1.
5 BOARDMEMBER BAXTER: Okay. Fine.
6 FACILITATOR BUFORD: We're moving back to
7 Page 1 of the organizational committee's meeting
8 rules. The first is the agenda.
9 MS. BROWNELL: This actually addresses the
10 entire document. I just have some advice or a
11 suggestion. We put together for the Hunter's Point
12 RAB -- in fact I personally put together a draft
13 bylaws for the Hunter's Point RAB, which encompasses
14 a bunch of these issues, term, and community
15 co-chair, mission statement, attendance at meetings,
16 voting and consensus.
17 I would be more than happy to give a copy to
18 the organizational committee. And it was very useful
19 that we brought that to our last RAB. So it was
20 really specific things the RAB could talk about
21 instead of sort of the general outline. Anyway,
22 that's just a suggestion of a way to addressing a lot
23 of these issues instead of all at once.
24 FACILITATOR BUFORD: You've addressed the
25 entire document. Any other comments?

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1 FACILITATOR BUFORD: Okay. Again, any other
2 agenda comments from this document?
3 BOARDMEMBER WILKINS: Yes, I have one. With
4 regards to publishing in the newspaper, there may be
5 a time issue with that because of the two-week time
6 frame that we're having with the RABs, that we may
7 not be able to do that. Because for us to publish
8 something in the newspaper, we have to have a
9 contract to do that. And because of the way our
10 system is set up, Greg, unless you can do something
11 through the Corps to expedite that process, we'd have
12 to go back to the Fort Lewis contracting office to do
13 that, and we would need at least a month turnaround
14 time.
15 BOARDMEMBER BAXTER: Once that month is
16 passed, you would be able to continuously publish the
17 agenda once you set the contract up?
18 BOARDMEMBER WILKINS: No. It would take a
19 month each time, even when the contract is set up.
20 Because I'm not a contracting officer, I don't have
21 the authority to take the money in my budget and go
22 down to the Chronicle and pay them \$300 or \$400 --
23 BOARDMEMBER LEVINE: I don't think we're
24 talking about that.
25 BOARDMEMBER WILKINS: Okay. When you say

1 BOARDMEMBER HORENSTEIN: I think as Bob
2 said, there are a few specific issues here we could
3 talk about and agree on. I'm not proposing -- I
4 think we certainly appreciate that document -- that
5 we take up voting consensus or attendance at the
6 meetings. I only put that here to illustrate that
7 there's other issues we didn't get to that we know we
8 need to and want to bring to the RAB, and also to
9 give an opportunity for other RAB members to say,
10 "What about this issue, this issue and this one?"
11 I'm not suggesting now that we go into
12 detail with those at all, but I think, as Bob said,
13 that there is a few issues here that we could perhaps
14 vote on and reach consensus on and begin that
15 process. So, that's what I'd suggest we do.
16 FACILITATOR BUFORD: Thank you, Amy, and
17 thank you Bennett. Back to the agenda.
18 BOARDMEMBER LEVINE: Can we get that faxed?
19 FACILITATOR BUFORD: Amy said she'd be more
20 than happy to provide that document to you.
21 BOARD McKLEROY: How large a document is
22 that, Amy?
23 MS. BROWNELL: Three or four pages. It's
24 like it has three sentences for each one of these
25 items about voting, attendance, mission statements.

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1 newspaper, what newspaper are you talking about?
2 BOARDMEMBER LEVINE: We were talking about
3 just going to the media --
4 BOARDMEMBER HORENSTEIN: Press release.
5 Have Joan's -- the public committee do a press
6 release on the agenda and see if they pick it up.
7 BOARDMEMBER WILKINS: Okay, glad I asked the
8 question.
9 BOARDMEMBER HORENSTEIN: Why don't I run
10 through these and I can explain them. The first one
11 before that is sending it to RAB members Friday
12 previous to the meeting. I think that could work.
13 BOARDMEMBER WILKINS: The only problem we
14 had with that, and that we've had for people that
15 don't have faxes, that's the only thing. I think
16 there were a couple of people that may have just got
17 it at the last minute or something like that, but for
18 anybody that has a fax, that's usually not a problem.
19 The only thing I can say is we do our best
20 to try to get the agenda organized in enough time so
21 even by mail we can do it by Friday.
22 BOARDMEMBER CHAN: Question about publishing
23 in the newspaper. Is there a time for that, that
24 would be on the day or before -- I mean, preparing it
25 for the newspaper and getting it out there means it

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1 would be done by that Friday, right? Or is that an
2 additional problem with timing?

3 BOARDMEMBER HORENSTEIN: That's a charge for
4 the committee.

5 BOARDMEMBER CHAN: Reading further down, the
6 opportunity for comments on the agenda would only be
7 at the meeting?

8 BOARDMEMBER HORENSTEIN: That would be at
9 the meeting, opportunity for RAB members or public to
10 comment or add on to the agenda.

11 BOARDMEMBER BAXTER: When we were talking,
12 my impression was you would be able to talk to either
13 of the co-chairs before this draft even came out on
14 Friday if you had something, you wanted something on
15 the agenda.

16 BOARDMEMBER REINHARD: I have two comments.
17 One is I, as the other co-chair, have offered
18 repeatedly that we would be able to share this task
19 of typing out and distributing the agenda, because in
20 my office I am able to get it out, I think, maybe a
21 few days earlier or on occasion. If we are going to,
22 in other words, eliminate the problem of what the
23 wording of the agenda is because of these other
24 recommendations we have, merely typing and
25 distributing seems to be purely mechanical.

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1 And like I say, I'm offering and saying as
2 the other co-chair, we could do that. I think more
3 quickly, the problem has been the other issue you've
4 identified, so what does the agenda say or do we
5 agree on it, or whatever. But as far as the
6 mechanics, that should not be an obstacle and we have
7 offered to do it more quickly.

8 On your other comments about, oh, we're
9 going to assume that the public committee is going to
10 send out the press release or they're going to do
11 this, I'd like to go back to the other point you made
12 here that committees report and make recommendations
13 to the RAB. And so far we haven't had any discussion
14 about the public liaison committee and how they
15 operate. So, I think a question for them and for us
16 is, you know, do press releases get reviewed that
17 time, or what do we think about people making
18 announcements either prior to or after discussion in
19 here, or whatever. I just think we need to keep that
20 open first before saying that's how it's going to
21 happen.

22 FACILITATOR BUFORD: Rob, I'd like to
23 clarify. You said you can get the agenda out more
24 quickly than the Army can. Would that be via mail
25 and not fax?

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1 BOARDMEMBER REINHARD: Well, I do what David
2 does. If I have a fax number, I fax. If I don't, I
3 send it in the mail. I think you've seen examples of
4 the way I send them out. I send them to the official
5 list, and that's my mailing list and fax list.

6 BOARDMEMBER HORENSTEIN: What Rob alluded to
7 -- and I think we should discuss it for a minute
8 because this is why it's here on the second item here
9 -- there were differences brought to the RAB for
10 discussion or a vote. There have been occasions
11 where the two co-chairs haven't agreed on the agenda.
12 And I don't know, presumably I'm the co-chair that
13 writes up the agenda wins the argument.

14 BOARDMEMBER WILKINS: That's incorrect.

15 BOARDMEMBER HORENSTEIN: They arm wrestle.
16 But I think the RAB has a right to know what those
17 issues are when that occurs when there isn't
18 agreement between the co-chairs, and the co-chairs
19 have a responsibility to bring those issues to the
20 RAB for discussion by the greater body of the RAB to
21 determine if we -- you guys work for us -- if we as a
22 body want those items on the agenda. So that's
23 specifically what that item means. And I think it's
24 important, very important.

25 But to take a step back, we all agree we'd

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1 like it by Friday. So, that's the consensus. That's
2 our goal, to get it. And maybe Rob --

3 BOARDMEMBER REINHARD: I'm just saying if
4 typing and mailing is the problem, I'm offering our
5 services.

6 BOARDMEMBER WILKINS: Thank you, Rob. I'll
7 take you up on that.

8 BOARDMEMBER HORENSTEIN: The publishing in
9 the newspaper, we'll hold that off until the public
10 committee comes.

11 BOARDMEMBER WILKINS: Well, if it's just the
12 press release for the agenda, and if all 31 of us are
13 calling up either me or Bob and saying, "Hey, this is
14 something I'd like to put on the agenda," and then
15 we're talking about it, I think as far as that one
16 thing, not all this other stuff but just for the
17 agenda press release, we can do that. I'm saying
18 "we." The Army. We can do that and do the press
19 release. That's why we have a PAO officer. So,
20 that, I can do that.

21 BOARDMEMBER LEVINE: That's what the
22 organizational meeting wanted, was the agenda to be
23 published. The other things that Robert put up would
24 be something that the committee would have to decide,
25 not just the agenda be published, to make it aware to

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1 the public what was going on.
2 FACILITATOR BUFORD: So that still lies with
3 the two co-chairs, that agenda coming out and being
4 published by Friday. Okay, Bennett?
5 BOARDMEMBER HORENSTEIN: Okay.
6 FACILITATOR BUFORD: Joan?
7 BOARDMEMBER GIRARDOT: Don't you really have
8 to accelerate the process? If you have the agenda
9 just the Friday before there's no way you're going to
10 be able to publish this in any newspaper by the
11 following Tuesday. I mean, you've got to accelerate
12 the process a couple weeks, and we have to move fast
13 because you can't publicize -- I mean, even if Bruce
14 and Peter and I with our NAP meetings, with our
15 monthly boards of directors meetings and all this,
16 sure, as long as we've got definite dates and a
17 definite place, I think this is a giant step forward.
18 But if you're going to get down to the specifics of
19 the agenda what items are going to be discussed that
20 day, you have to accelerate the process so we can get
21 the word out.
22 BOARDMEMBER WILKINS: Well, I think as long
23 as everybody knows that and we know that, that's what
24 we're going to try to do. So, that means it's
25 incumbent upon all of you, if you do have concerns

1 you want addressed on the agenda, you know it's like
2 call tomorrow and say agenda for next time, boom,
3 boom, boom, so we can start working on it like
4 tomorrow morning.
5 BOARDMEMBER HORENSTEIN: I think the idea
6 was to get public participation we need to whet the
7 appetite on what the issues are that are going to be
8 discussed instead of -- a RAB meeting doesn't
9 necessarily give them a window of what the issues
10 are.
11 BOARDMEMBER O'HARA: I agree with Joan that
12 Friday is a dead day for getting information into the
13 newspaper. And certainly if you are talking about a
14 general circulation newspaper, you contact the
15 newspaper on Friday, there's no way that you can have
16 an agenda published and in a timely fashion. You're
17 lucky if you might get it in Monday or Tuesday's
18 newspaper.
19 So, I think the point you made with respect
20 to a tentative agenda, or if at the close of this
21 meeting if you wanted a tentative agenda for the
22 following meeting, that's what would be published in
23 the newspaper. But I think it would be incumbent
24 upon the Army's public information office to get that
25 out almost within 24 or 48 hours of termination of

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1 this meeting. Otherwise it isn't going to happen and
2 it's not going to serve the purposes that you want it
3 to serve.
4 I agree we can certainly add a lot more
5 people to the public to get them interested in what
6 we are doing and trying to do, but publishing it the
7 Friday before the meeting is not going to be an
8 effective way to get the word out.
9 FACILITATOR BUFORD: Okay. That's, again,
10 an excellent comment and you'll take that into
11 consideration.
12 BOARDMEMBER HORENSTEIN: I think David is
13 going to act on the recommendations.
14 BOARDMEMBER WILKINS: Sure. The intention
15 was do the press release the Friday before. That was
16 to get it out to you guys. We'll do the press
17 release as soon as we got something together,
18 tentative or final, and meanwhile we'll work as much
19 as we can to get that together. So, get your input
20 in.
21 BOARDMEMBER BONNIE: This is my first
22 meeting, and I'm very impressed by the tremendous
23 amount of time being spent on procedural history of
24 this. I don't know whether I respect the opinion of
25 others who have not spoken up. It would seem to me a

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1 lot of this is very reasonable, can be very helpful
2 to running a meeting. If we don't start running the
3 meeting and getting on with business, we're never
4 going to get anywhere.
5 My suggestion is that this be -- we have
6 accepted it as a report, that it should be noted that
7 the committee has seen this, and that the
8 organizational committee continue their work
9 including the consideration of facilitator, and that
10 as and when the facilitator is appointed this be used
11 along with any additional suggestions made by the
12 committee or by members referred by the committee
13 with the consultation with co-chairs as a guideline
14 for running what we hope will be an efficient and
15 business oriented rather than procedural meeting.
16 FACILITATOR BUFORD: That's an excellent
17 suggestion, and I'd like to ask, Bennett, if you will
18 accept that recommendation so we can get on with the
19 agenda.
20 BOARDMEMBER HORENSTEIN: That will be
21 accepted. I think it's an excellent suggestion and I
22 concur with it. I'm not going to accept it.
23 FACILITATOR BUFORD: Well, Bennett, why
24 don't you go through point by point and clarify --
25 BOARDMEMBER HORENSTEIN: I would say if

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1 there is any particular items that anyone wants to
2 elucidate now, speak up. Otherwise we'll proceed in
3 this manner.

4 BOARDMEMBER BONNIE: I would rather
5 recommend the people refer their comments outside the
6 meeting rather than spending an inordinate amount of
7 time in this committee discussing it, because we're
8 still on point one and it's already 8:30.

9 FACILITATOR BUFORD: That was a suggestion.
10 Would you like to make that a motion?

11 BOARDMEMBER BONNIE: I make that motion.

12 BOARDMEMBER HORENSTEIN: I second that
13 motion.

14 BOARDMEMBER WILKINS: I'll third the motion.

15 FACILITATOR BUFORD: Any questions? All in
16 favor? Any abstentions? Rob? Rob Reinhard
17 abstained on that issue.

18 BOARDMEMBER BAXTER: One point of
19 clarification. This means that people have no
20 problem with what we've done and we can go ahead with
21 this; is that correct?

22 FACILITATOR BUFORD: Well, I've asked for
23 comments and we have received those. So now we'll
24 move on to the next agenda item on the August 30th
25 agenda.

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1 BOARDMEMBER HORENSTEIN: I have a point of
2 clarification, too. I think it was a great
3 suggestion, but, for example, I have a question.

4 We're suggesting the meetings have minutes. Does
5 everyone agree? Well, who's going to write the
6 minutes? How are we going to have minutes?

7 FACILITATOR BUFORD: That has been put back
8 to your committee to come up with.

9 BOARDMEMBER HORENSTEIN: Our recommendation
10 is meetings have minutes, two to three pages. That's
11 our recommendation. What I'm asking is does that
12 happen? Is Dave going to write minutes? Is Rob
13 going to write minutes? Is a secretary automatically
14 going to appear who's going to write minutes?

15 BOARDMEMBER LEVINE: We'll come up with a
16 recommendation.

17 FACILITATOR BUFORD: That was the motion,
18 that you come up with the recommendation and the RAB
19 as a whole -- and the comment, it was suggested you
20 will receive after this meeting outside this official
21 -- is that acceptable?

22 BOARDMEMBER HORENSTEIN: It's more than
23 acceptable. But I understand so far.

24 FACILITATOR BUFORD: Thank you. Back to the
25 August 30th agenda.

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1 BOARDMEMBER REINHARD: I have a question,
2 please.

3 FACILITATOR BUFORD: Rob?

4 BOARDMEMBER REINHARD: The reason I
5 abstained is -- I'm sorry, I really didn't understand
6 what we were voting about. I thought you were
7 recommending some things. Are we saying that some of
8 the things you're recommending we are going to wait
9 some more and you're going to come back again for
10 another recommendation? Can we say that some of
11 these things that you're recommending we like?

12 BOARDMEMBER HORENSTEIN: And then we adopt
13 and then we put into play?

14 FACILITATOR BUFORD: There are some
15 questions on some of the items.

16 BOARDMEMBER LEVINE: I think the item that
17 Bennett just raised about who's going to write this
18 summary of the minutes, that the RAB would like a
19 definite suggestion instead of saying, "Give us a
20 choice," tell us what you recommend and then we
21 discuss it.

22 FACILITATOR BUFORD: The gentleman suggested
23 in his motion that you get that information outside
24 of this.

25 BOARDMEMBER HORENSTEIN: So what the

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1 consequences are, one more meeting or maybe two
2 without minutes, as long as everyone is comfortable
3 with that, instead of agreeing on minutes and the
4 mechanism of getting minutes to this meeting.

5 BOARDMEMBER ALEXANDER: And the consequences
6 are that while the woman who takes the verbatim
7 transcripts rests her hands partway through this
8 meeting, usually at a point where we stop talking
9 about procedure, people on the organizational
10 committee put their heads together for 30 seconds,
11 come up with a recommendation. Okay.

12 FACILITATOR BUFORD: But the report will be
13 included in your overall organizational report, which
14 would be reported at the next meeting.

15 BOARDMEMBER LEVINE: I think what Michael
16 suggested is less --

17 BOARDMEMBER HORENSTEIN: Let's resolve this
18 issue because it's an important issue that I think we
19 all -- if we can come to a quick conclusion, is worth
20 doing.

21 FACILITATOR BUFORD: We'd like to move on.
22 If there are no more questions on that -- and we have
23 already voted. Is it clear to everyone that the
24 organizational committee will come back with, as the
25 community co-chair has suggested, strong proposals

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1 for the RAB members to consider in terms of the
2 organizational functioning of the Restoration
3 Advisory Board. Okay.

4 The next agenda item is the Item No. 3 on
5 the agenda. And, again, I'd like to invite the
6 public members to comment, ask questions, and you're
7 more than welcome to get involve in these
8 discussions. Characterization issues and monitoring
9 plan at the Public Health Service Hospital area. Are
10 there any outstanding issues, concerns, anything
11 anyone would like to speak on in terms of that
12 meeting and the alternatives that were discussed?

13 BOARDMEMBER BAXTER: I asked this be put on
14 the agenda because it seems to me there were about
15 three issues that were a bit muddy and weren't very
16 clear to people who hadn't been involved in the
17 process that long. So I thought that I would try to
18 name them and perhaps clarify them a little bit in
19 case anybody is a bit confused about them.

20 The three issues that I thought weren't
21 really being talked about in terms of the Public
22 Health Service Hospital, cap issue, was the
23 differences between impact to water, contaminated
24 water, and water that requires cleanup. The fact
25 that the capping was the responsible problem and

1 removing a cap wasn't going to remove a problem, and
2 that the characteristic approach of the Army that had
3 been taken at the Public Health Service Hospital is
4 actually very typical of what they have done at other
5 landfills on the Presidio, and that if there is any
6 reason you don't like it or you want more done, this
7 issue will come up and various issues will come up
8 repeatedly in discussions on the main installation.
9 There are probably about 11 or 12 landfills. And
10 these issues will apply to all of the landfills.

11 I am also fairly certain the Park Service is
12 probably not going to want to cap, and the Army, if
13 they have to do something, will probably want to cap.
14 So I just thought I'd clarify a few things of what I
15 thought weren't clear for the people that weren't
16 involved in the process. One of the things was on
17 the first issue on the impact to water and
18 contaminated water and such is that the water code
19 requires cleanup and abatements of discharge -- or to
20 water in this case, or it actually is a threat. So
21 that that would also include discharges from the
22 soil.

23 And an impact to water simply means that
24 something non-natural has gotten to it. It doesn't
25 have to be a large amount or anything, it just has to

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1 get there. Contaminated means -- and these aren't
2 legal definitions -- contaminated is something above
3 regulatory limits going to be a cause for concern.
4 But that in and of itself doesn't mean the
5 groundwater has to be cleaned up.

6 In terms of the landfill and Public Health
7 Service Hospital, it seems to me those two or three
8 issues, that we talk about whether or not groundwater
9 was contaminated versus whether or not it was
10 impacted, all of those are issues. And on the Public
11 Health Service Hospital Landfill 8, the groundwater
12 was impacted. That was shown by pesticides and some
13 metal.

14 The questions as whether it was contaminated
15 or not would come up in that some of those -- two
16 types of samples were sampled four months apart,
17 there were some above regulatory limits. This shows
18 there was an impact to groundwater, and if the
19 chemical's in the soil samples at Landfill 8, it will
20 reach the groundwater. I think that's what it shows.

21 So, if there's anything there, we know there
22 is a path to reach the groundwater. And we know
23 there's enough within that landfill to give you some
24 amount of the pesticide in the groundwater. So this
25 is the problem that the cap wants a response to, not

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1 the fact that there was a huge mess within the data.
2 And this is a problem or an issue that's going to
3 come up on a lot of other landfills, because it's the
4 same kind of data that's there.

5 So, the cap, not putting it on, is going to
6 be something of a matter of choice, but you still
7 need to consider that here will be an impact to the
8 groundwater. And because the groundwater moves very
9 slowly, it's going to have to be monitored a very
10 long time to determine how long it's a risk. And
11 sometimes that will mean perhaps a decade.

12 So, I think I figured, took a ballpark
13 estimate to give you a sense of how long it would
14 take, and I figured that with the kind of stuff that
15 was there and all, if there is contamination at one
16 end of the Public Health Service Hospital it would
17 take about approximately two years or so for it to
18 travel through the water to the other side of the
19 Public Health Service Hospital, or two years to
20 travel from the tip of the landfill down to the
21 spring behind the hospital building.

22 And that's once it's in the water, and that
23 doesn't add the time it's going to take for it to go
24 from the soil down 30 to 40 feet to the water. So
25 we're talking a very long time for monitoring and

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1 we're talking only doing monitoring and that would be
2 a lot of expense generated with that part. Just
3 monitoring it may not be what people really want to
4 do because it's going to be long-term before you know
5 what we're dealing with.

6 The third issue that I thought I would like
7 people to be aware of is that Landfill 8 is pretty
8 typical. It's characterized most of the landfills.
9 And most of the landfills are unofficial landfills.
10 They don't follow any kind of regulations in their
11 structures. Most of them are about an acre or two in
12 size, with the exception of Crissy Field, which is
13 larger.

14 What the Army did in general seems to be to
15 do anywhere from zero to about nine borings, and then
16 they would take like one sample from the boring --
17 and not all the samples would be in fill material.
18 Sometimes you would have one in fill material up to a
19 total of five. So they didn't always sample the fill
20 material. Sometimes they didn't sample it all or did
21 a combination of the two.

22 BOARDMEMBER ALEXANDER: Excuse me. If they
23 didn't sample fill material, what were they getting?

24 BOARDMEMBER BAXTER: They would go to the
25 material below the fill material, and with a regular

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1 landfill, that makes sense because probably
2 constructed landfills would have a clay line or liner
3 that would slow stuff down that that would give you a
4 good reading of what was coming out of the waste.

5 Unfortunately the Presidio has a lot of
6 sand. And what these landfills were placed on was
7 sand, sand upon sand. So, it wouldn't be a good
8 reservoir for what was there. So, in general, the
9 best guess for what -- there probably would be fill
10 material itself, but that's also sand. So that's a
11 difficult problem in the way to approach it. And the
12 Army actually in some cases did both, and in some
13 cases either all or the other. But in many cases
14 there's always fewer samples in fill.

15 Then they also would make test pits. And
16 the test pits, they generally had one sample from the
17 test pit, and this makes it equivalent to a boring.
18 It gives you visual information so you could find
19 whether there is debris or concrete or whatever, so
20 you can nicely identify that type of thing, but it
21 doesn't really tell you if there is contamination
22 because contamination you can't always see. It
23 doesn't have to look dirty or dangerous to be dirty.

24 A good example that comes to my mind is
25 Golden Gate Bridge District where you have hazardous

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1 levels of lead on top of the soil and thinking it was
2 a beautiful park. So that's the reason the Army took
3 chemical samples, but it's also the reason you need
4 to consider that even though they have a test pit, in
5 terms of evaluating fill material it's really only
6 equivalent to a boring.

7 They also put in wells occasionally and
8 sometimes they didn't put in wells. And then they
9 would basically seem to assume that if they didn't
10 find something in the samples that they had taken,
11 then the rest of the landfill would be the same. It
12 would be -- which is sort of optimistic. Now, the
13 pessimistic other side of that is if you didn't find
14 anything in the samples, everything else is dirty,
15 and you just sort of missed those dirty places. So,
16 you know, either way. Their assumptions seem to have
17 been the optimistic ones.

18 I think what we need to consider is if we
19 like that approach in general on all of the landfills
20 so that we think that approach needs to be changed or
21 beefed up or something like that, and I think things
22 that we might consider when we're thinking about it
23 is that the way these landfills were constructed
24 wasn't like a normal landfill where they rolled the
25 waste out of a large area like with a bulldozer or

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1 anything. So the waste is likely to be spotty, which
2 means it's going to be difficult to find. And the
3 problem of sand upon sand also means it might be best
4 to emphasize actually taking samples within the fill
5 material rather than beneath it.

6 Then we also would need to consider if the
7 contamination were really distributed evenly within
8 the water, which, in my opinion, it isn't, then their
9 approach of screening only the top part of the water
10 would be appropriate. But if we don't like that,
11 then we might want to consider perhaps they should
12 screen more than the top part of the water.

13 The problem I see with the approach that's
14 been taken to date is that there simply isn't the
15 data to constrain people's assumptions either
16 optimistically or pessimistically. Arnie has chosen
17 to be sort of optimistic, but the data really isn't
18 there to where a large group of people can have a
19 majority to say, "Well, we think we want the
20 optimistic or pessimistic approach." And I think
21 this is the case that we'll find over and over again
22 on various landfills.

23 And that's pretty much what I wanted to
24 bring to the attention of the RAB, was that this will
25 come up again. And if they don't like it, it's

1 probably a good time now to start saying they don't
2 like it. Or if they do like it, it's probably a good
3 time to start saying they do.

4 FACILITATOR BUFORD: Thank you, Jan, for
5 that overview. And we have a question over here.

6 BOARDMEMBER ALEXANDER: First of all, that's
7 the clearest description of the parameters of this
8 process that I've heard, and I want to thank you for
9 that. It's in layman's terms I think we all
10 understood what you were saying. One question that
11 comes to mind when you say sand on top of sand,
12 you're saying sand is used to some extent, fill
13 material along with a lot of debris, and sand is very
14 porous.

15 And as you were describing the potential for
16 contamination, is migrating -- it seems to me if
17 contaminants are migrating out of whatever fill is
18 there, they're going to be washed out by water, which
19 is rain water, or it's washing down through the sand,
20 through the rubble, taking the contamination along
21 with it and carrying it down to a lower sand layer
22 and eventually into groundwater. Is that reasonable?

23 BOARDMEMBER BAXTER: That's a general
24 description of the normal process.

25 BOARDMEMBER ALEXANDER: If that's the case,

1 it seems to me if you're trying to find out not only
2 is there something there, but also is it migrating
3 down into the lower sand layer would tell you because
4 you can assume that lower layer was clean when you
5 start the filling, and if it's now contaminated, then
6 there is a reasonable assumption it's coming from the
7 stuff that was placed on top. Is that --

8 BOARDMEMBER BAXTER: Sand is not a good
9 material to test to really be able to tell what's in
10 a place because it doesn't -- if you have silcer
11 clays, I like to think of them as having hooks on
12 them, and they hook on to various things they come
13 past, like metal atoms or pesticides or whatever and
14 holds it there. Sand doesn't have a lot of those
15 hooks, so stuff just passes right through it. And it
16 doesn't really, to any extent, to where you could get
17 a good picture of it.

18 BOARDMEMBER ALEXANDER: So where can you get
19 a good picture of it?

20 BOARDMEMBER BAXTER: Basically in terms of
21 sand and waste, you really almost have to hit hot
22 spots to get a sense for the amount of mass of
23 contamination. The real issue is how much mass of
24 contamination is there within the landfill, and is
25 that mass, however it may be distributed, enough to

1 get down to the water and cause a problem. I mean,
2 sand, it's very difficult. I think that's why the
3 Army has been trying to deal with it. Also, is you
4 don't want it to make a gazillion bores, and yet you
5 do want to try and find the problem area.

6 BOARDMEMBER ALEXANDER: I hear the problem.
7 What I've also heard in the past is Greg Bridgestock
8 say that, "I think as a result of this" -- I hope I
9 haven't got words in your mouth; let's see if I can
10 characterize your -- that, well, because of this what
11 they're doing is drilling wells around the perimeter
12 -- not so much the perimeter, but in a couple of
13 locations on the perimeter and looking for
14 groundwater contamination.

15 And that tells me that there's leaching
16 coming out of this stuff, which is other waste very,
17 very difficult to characterize, and that seems to be
18 the most effective and efficient and cost efficient
19 way to do it. Do you disagree with that approach?

20 BOARDMEMBER BAXTER: I think it's one way to
21 do it. The thing I think about is when you have
22 groundwater contamination to point where you have to
23 clean it up, it's usually going to be the longest and
24 most expensive type of cleanup you have to do. So
25 the best way to deal with groundwater contamination

1 is to try and prevent it and not to have it --
2 because, I mean, if it's in the sand, it cleans up
3 among the fastest of the other types of soil. But it
4 could be a decade or longer if there's a lot of
5 contamination, if you have to pump and pour the water
6 out and basically waste it.

7 So if you sort of -- I probably would want
8 to do something of a mix between the two. I probably
9 would want to get -- you have to monitor almost by
10 law, because you never can be sure it's not going to
11 get away from you. But if you also try to get a
12 feeling for the amount of mass that's there, you
13 know, it also would be helpful in knowing whether you
14 really needed a cap, in other words, to prevent
15 infiltration whether you needed to monitor for a
16 gazillion years because there's not enough stuff
17 there to really make it a problem you want to clean
18 up, so therefore you don't need to monitor for a
19 gazillion years.

20 And it would be, I think, helpful if you did
21 a type of borings or pattern to where you just sort
22 of -- if you did like a grid. I don't care what size
23 it is, we'll use ten by ten for comparisons. Then
24 you would know that the most match you would have is
25 whatever contained within that ten by ten cube. And

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1 there are people who would be able to do calculations
2 at probably ad nauseam to tell you whether or not
3 that's going to cause a level of chemicals in the
4 water that's going to be a concern.

5 So, if you get an idea of how much mass is
6 there, then that will help you in choosing a remedy.
7 If you just wait until it's in the water, you also
8 have to assume the monitoring well network is
9 properly constructed, covers the places that you
10 think the stuff is going to flow through, and that
11 you know the site well enough to be able to place
12 them right. And that's something people debate a
13 lot, because there are a lot of different opinions on
14 what is proper.

15 BOARDMEMBER ALEXANDER: Are we inventing the
16 wheel -- there are a gazillion landfills in this
17 community being remediated. Is each one so unique
18 that we learn nothing or little from remediating one
19 that's transferable knowledge, transferable
20 technology?

21 BOARDMEMBER BAXTER: In general in the
22 environmental field, I would say there aren't any
23 hard answers. A lot depends on what you're faced
24 with and what the world is that you're working in.
25 There are some general rules that have been put into

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1 regulation in terms of formal landfills, and a lot of
2 that is -- presupposes it's constructed in a
3 particular way so they know how it's done, and they
4 sort of know it's in there and they sort of know what
5 to expect.

6 So they figure they know all these things
7 and they're going to do X, Y, Z, and they will be
8 able to find the problem. If you don't know what to
9 put it, if it wasn't properly constructed and if you
10 don't know your area as well -- and there is a lot of
11 geological evaluation that goes on on a proper
12 landfill -- if you don't have any of those, you go
13 back to where you're going to have to try and deal
14 with what you have. It's not necessarily going to be
15 A, B, C, the black and white.

16 FACILITATOR BUFORD: There is a question
17 from the audience.

18 MS. SOPHER: Can I say a few things about
19 the landfill investigation. The way Jan has
20 presented, from the way I heard her talk, is very
21 haphazard. The concept of the landfill is first to
22 try to get a sense of what's in them, and how big
23 they are. So that would be a combination of
24 trenching and geophysical evaluation, looking at old
25 records, old photographs and old maps which give us a

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1 very good sense of how big they are.

2 Then we do take some samples -- we did take
3 some samples in the filled materials, and in general
4 what we found in almost every landfill at the
5 Presidio was primarily concrete, tree trunks, rebar.
6 So, we have never found any varied cancer or
7 anything. I mean, generally what the fill material
8 is is construction debris, and occasionally we do
9 find some trash, more like trash-type material,
10 plastic or glass, that kind of material.

11 Then you have to make the assumption that if
12 there are contaminants in the landfill, it has to
13 travel from the fill material through underlying
14 soils into the groundwater. That's why we take
15 samples in the soil below the landfill. And Jan and
16 I have discussed this often, the perspective of how
17 much retention of contaminants you have in sand.

18 Most of the sand we find here aren't clean
19 glass peas. There are silts and other materials in
20 the sand that do retain contaminants if they were
21 there. I mean, sand is not like little balls --
22 metals can be found in sand materials, so it shows
23 they are there and they're not all dropping through
24 the sand.

25 And then we look at the first groundwater we

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1 encounter, which would be the first place where a
2 contaminant would go. That's why we screen wells at
3 the top of the water table, so we can get a sample of
4 the water closest to the contaminants.

5 And, Michael when you were describing
6 putting wells around, the convention on landfills is
7 that you put a well upgradient of a landfill for
8 water coming from above or before it hits the
9 landfill; it would pass through the area where
10 contaminants would come down into the groundwater and
11 then you put wells downgradient. So there's a method
12 of where we tried to put those wells.

13 We tried to put wells at all the landfills
14 at the Presidio, but there was not groundwater at
15 several of the locations. So, I just want to clear
16 up a few items.

17 BOARDMEMBER BAXTER: I didn't mean to, you
18 know, say that -- I tried to summarize a whole bunch
19 of landfills into generalizations. Thanks for the
20 clarification.

21 BOARDMEMBER LEE: I think a couple of the
22 issues is that the state has a policy of beneficial
23 use. If we run into the ground -- I don't know what
24 the position of the Army and the National Park
25 Service is using groundwater as a method for

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1 basically water belongs here. When you tie that into
2 the park itself and we have endangered species, and
3 we have state issues of native plants that could be
4 in danger, is there a possibility that any of the
5 endangered species, plants or animals could have any
6 possible contamination from if we used groundwater as
7 a source of water?

8 The second issue regarding these landfills,
9 and because we are seismic unsafe throughout the Bay
10 Area, was the probability of some of the solid waste
11 land sites we have, the 13 or 14 in the Presidio
12 basically sitting open and contaminating the
13 additional groundwater.

14 Basically there's two questions, one, if we
15 use -- if the National Park Service or if the Army
16 uses it for uses of making everything green here,
17 what's the probability of someone coming out here
18 being contaminated 20 or 30 years from now.

19 MS. SOPHER: If there are standards for
20 ecological risk from the update of groundwater to
21 those plants -- when we detect instances above here,
22 human health or bay ecological standards, we are
23 looking at that, at whether or not that's a trigger
24 for cleanup, and I don't know the answer to that one
25 about watering endangered plants.

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1 BOARDMEMBER LEE: Well, I know initially
2 when you drill for the Public Health Service, there
3 is a lot of information; we went through a cemetery.
4 And we got body parts, I mean, years ago. So the
5 question would be since the Army has used this area
6 for quite some time before the war, there would not
7 be enough information to tell you about the
8 contamination due to the number of samples you take.

9 Because even with -- I'm just pointing to
10 Hunter's Point, my understanding reading through the
11 documents they took maybe four or five times number
12 of samples, per square acre, per square blocks --

13 MS. SOPHER: You have to remember the
14 differences of Hunter's Point and a lot of Presidio
15 area. We did the same structural preliminary
16 assessment that they did, let's say structural
17 preliminary assessment the other day, it looked more
18 of a -- the threats to the human health or the
19 environment. And at Presidio they're very different,
20 I think, than what you find at Hunter's Point. They
21 were Navy fighting ships, or doing a lot of
22 industrial-type activities.

23 There is a big concern even when we did the
24 PA, was 937 and 637, and there's still the areas that
25 we're doing a lot of work on now. And we haven't

1 We look at the groundwater in scenarios
2 assuming that we would be pumping that water out and
3 using it. So there has been human health risk done
4 on future risks, all that kind of stuff. And the
5 detections of groundwater at Landfill 8 in
6 particular, there are a few low level pesticides that
7 were detected. Quarterly monitoring, that's going to
8 start up soon by the Corps to help us define those
9 numbers, because in the initial sampling round there
10 was always either a duplicate or a confirmed
11 confirmational sampling that didn't really verify
12 whether or not the detection was true or was it some
13 kind of lab issue.

14 The way the pesticides get analyzed is these
15 two samplings that get run through with different
16 columns. So oftentimes there would be a detection in
17 the first column, but it wouldn't be confirmed by the
18 second column. And those were very low levels
19 compared to the detection limit which is a part per
20 trillion detection limit.

21 And as far as the seismic stability, we
22 haven't -- like I said, mostly what we found in there
23 is concrete, rebar building material. So I don't
24 know that there's really an issue of -- I don't know,
25 I mean, what issue there really is.

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1 found in the samples those problems of that magnitude
2 in other areas.

3 BOARDMEMBER LEE: I'm not saying you will
4 find the magnitude. I think the concern is the
5 probability in the number of samples you should take
6 at a given site.

7 MS. SOPHER: We do historical research and
8 all that kind of stuff that determines where you
9 should look for contamination.

10 FACILITATOR BUFORD: Bill, did she answer
11 your question?

12 BOARDMEMBER LEE: Sure.

13 FACILITATOR BUFORD: Thank you. Jan has one
14 more comment to make and we're going to take a break.

15 BOARDMEMBER BAXTER: The thing on the
16 pesticides was when you asked about endangered pieces
17 of groundwater, all three wells did show traces of
18 pesticides. They were fairly low, but one of the
19 wells showed a pesticide at twice the water quality
20 objective for fresh water. And on pesticides, that's
21 very, very low in the parts per trillion range, could
22 be an objective, because they're deadly. But the
23 numbers are small. And at this particular well, it
24 showed it as twice.

25 So there is -- I can only say that I'm very,

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1 very glad that the Army is starting to do quarterly
2 sampling in groundwater. It's important to get the
3 time elements and samples that would help answer the
4 questions.

5 FACILITATOR BUFORD: Thank you, Jan. We'll
6 take a ten-minute break.

7 (Recess)

8 BOARDMEMBER WILKINS: Let's call this
9 meeting back to order. Roberta, from the National
10 Park Service would like to make an announcement, if
11 you could give her your undivided attention, please.

12 BOARDMEMBER BLANK: Several people have
13 asked me about the box of documents over there. It
14 has the Final General Management Plan Amendment and
15 the Draft Environmental Impact Statement. We are
16 encouraging people to take copies. We want to take
17 the boxes home empty.

18 FACILITATOR BUFORD: Roberta, this document
19 here, I think you ran out of it. Do you have extra
20 copies of it?

21 BOARDMEMBER WILKINS: That's what in the
22 boxes that aren't open. So take them back to your
23 community organization and distribute them, please.

24 FACILITATOR BUFORD: We'd like to continue
25 discussion. If there are any more comments on Item

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1 No. 3 of the agenda, characterization issues and
2 monitoring plan at the Public Health Service
3 Hospital.

4 BOARDMEMBER REINHARD: I think what Jan was
5 getting at was one part of the characterization
6 issue, and that is adequacy of sampling and whether
7 sampling locations, some sampling methodologies were
8 appropriate. I think there's another issue about the
9 sampling, especially at the landfill. As Elizabeth
10 mentioned, most of the contents of the landfills on
11 the Presidio are construction debris, but the Army
12 has made a decision not to sample and test for the
13 presence of asbestos.

14 The only contaminants, the only suite of the
15 chemicals that they tested for -- well, the suite
16 that they did test for were a long list of other
17 chemicals. So that's also a decision, as Jan was
18 saying, you know, is that an appropriate decision.
19 And the rationale for that decision is, "Well, since
20 the landfill is covered anyway," and since the whole
21 idea with asbestos is that you don't want it to blow
22 around, why should we test for asbestos, it's in the
23 place that we want it to be, and it's covered up and,
24 you know, we don't want to -- that's not an issue.

25 But as the characterization decision, it's

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1 another thing that could be handled differently,
2 especially if there is a requirement or an interest
3 to sample for asbestos a bit more widely on the
4 surface or near the landfill. So that's another
5 feature of the characterization plan that has gone on
6 so far.

7 MS. SOPHER: We have assumed there is
8 asbestos in those building materials, and in order
9 to --

10 BOARDMEMBER REINHARD: But have not
11 quantified or described.

12 MS. SOPHER: No, because of the nature of
13 those materials you have to hit or miss asbestos,
14 basically, and it's -- if I took ten samples and
15 didn't find any asbestos, that's still not proof that
16 there's no asbestos in there. And if I took a
17 hundred samples --

18 BOARDMEMBER REINHARD: Yeah, I think that's
19 what Jan was saying about the difficulty of sampling
20 landfills, that not only for the asbestos but for
21 other chemicals that you did test for. Not having a
22 hit doesn't mean that the problem has been
23 characterized totally.

24 MS. SOPHER: No, but that's why we do the
25 other sampling, which would be below the landfill,

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1 for other contaminants in the groundwater. There is
2 a pathway of those other contaminants to move out of
3 a landfill -- there's really no pathway unless you
4 excavate a landfill for asbestos to move out of a
5 landfill.

6 BOARDMEMBER REINHARD: But you didn't take
7 any asbestos samplings on the surface or nearby.

8 MS. SOPHER: Well, every one of those has
9 either a concrete or soil cap. Oh, actually there is
10 some concrete at the top of Landfill 8. But we put
11 in our documents that we assume there is asbestos
12 there, and if you were excavating in that landfill
13 you'd have to take precautions -- I mean, it's an
14 occupational health issue for construction.

15 BOARDMEMBER REINHARD: But I'm saying you
16 don't sample for asbestos on the surface or in other
17 areas of the Presidio, do you?

18 MS. SOPHER: No, we have not.

19 BOARDMEMBER REINHARD: Right. So on another
20 surface soil area where asbestos may have been
21 deposited from the demolition activities, from
22 buildings, building activities, in other words,
23 there's no sampling for asbestos.

24 MS. SOPHER: Do you mean like random
25 sampling all over the Presidio?

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1 BOARDMEMBER REINHARD: Yes.
2 MS. SOPHER: I don't know why we would do
3 that here and not do it all over -- I mean, the most
4 likely place to find asbestos would be within some of
5 those building materials that were disposed at the
6 time when asbestos was being used in the buildings.
7 BOARDMEMBER BAXTER: Landfill 6 is a
8 landfill that is supposed to actually have been in
9 building demolition.
10 MS. SOPHER: But, again, we look at where a
11 pathway for materials to move out of landfill is, and
12 that's why asbestos was not considered a threat.
13 BOARDMEMBER REINHARD: Asbestos doesn't --
14 two things about asbestos. It doesn't migrate like
15 solvents or pesticides. It doesn't dissolve in the
16 water and move through sand. It doesn't do that.
17 The other one is toxicity of asbestos is airborne,
18 and even if there would be asbestos in the water,
19 then the risk is negligible relative to how we think
20 of asbestos as toxic from airborne exposure.
21 MS. SOPHER: And there's a lot of
22 institutional controls is what they call them, could
23 be while you wash a building or while you dig that
24 you suppress dust because there's issues with dust
25 inhalation and that kind of stuff, that if you did

1 choose to excavate for reconstruction on a landfill,
2 you'd have to take those precautions anyway, the dust
3 suppression and that kind of stuff.
4 FACILITATOR BUFORD: Rob, did that clarify?
5 BOARDMEMBER REINHARD: I wasn't asking for
6 that clarification, so that's fine.
7 FACILITATOR BUFORD: Joan?
8 BOARDMEMBER GIRARDOT: I'm confused by Jan's
9 presentation -- I'm not confused; I'm perplexed,
10 because she was saying that based on the samples
11 where they were taken, how many, et cetera, and
12 considerations about -- technical considerations
13 about taking many years to determine if these
14 contaminants, if they're there, are spreading, et
15 cetera, and getting into the cost of long-term
16 monitoring, she made a statement that there is really
17 insufficient data to support either an optimistic
18 view or a pessimistic view on these problems.
19 And we talked -- Michael alluded to the fact
20 that this is more of an art than a science. Now,
21 here we are civilian members here trying to comment
22 and offer advice on something and we have people who
23 have been following the issues for quite a few years
24 telling us there's insufficient data.
25 Now, my understanding is that you would like

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1 to have -- and you and the people, you know, that
2 your point of view represents, would like to have
3 further sampling. So I guess my question is, is
4 there a likelihood that further sampling will be
5 done?
6 And secondly, I'd like to know if, according
7 to what Jan said, there are insufficient data to
8 support the pessimistic or the optimistic point of
9 view, what guidance would she give us as to whether
10 we should be pessimistic or optimistic.
11 BOARDMEMBER BAXTER: Okay. When I said
12 there is insufficient data to constrain, I suppose it
13 would have been better to say that you can argue
14 either side back and forth. So, some people can say
15 there is plenty of data and other people can say
16 there's not enough. So that really is -- if the data
17 isn't strong enough to where we can't make good
18 arguments on either side.
19 BOARDMEMBER LEE: I think the question is --
20 maybe I can help Jan out, is the confidence that
21 you're looking at. I mean, you can never prove a
22 negative if something is not there, because you have
23 to dig up all the soil to dump it. In the city
24 itself when we do testing for soil we divide into the
25 grid system.

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1 For Mission Bay project we divide into
2 certain lots what we're going to do, initially a
3 quick testing of the top soil and then we're going to
4 go underground. Then phase two we break into each
5 one of the lots into another small grid. Then we're
6 going to take an X amount of samples so we have a
7 higher sense of probability. It really depends on
8 size, its past use. We know Mission Bay is
9 contaminated, therefore we are going to take a lot
10 more samples.
11 From my understanding with the Montgomery
12 Watkins group, the report is that based on their
13 first review of the site, its intended use, there
14 isn't that much contamination. So therefore, the
15 logic behind their sampling on design is they're
16 taking less samples.
17 But the fewer samples you take, the less
18 confident you are, because it's like a needle in the
19 haystack. You do a drill boring straight down.
20 Sometimes we hit or miss depending on the what U.S.
21 Geological Survey has sort of analyzed for this area,
22 the type. We have lots of serpentine rock,
23 Franciscan rock, chert, that type of material.
24 So therefore if we have a large rock here,
25 if the contamination comes here, it may go over here.

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1 But if you have sand for what's below the sand, it
2 depends really on how much information you have about
3 the geology, and secondly whether the contamination
4 was already there.

5 But it really goes back to probability. You
6 take one sample of, say, for your cholesterol. Is
7 that the right answer? It may or may not be,
8 depending on the method you're analyzed with. Could
9 be off by 30, 40%, for, example. If you have two
10 samples, you're more confident. If you take three,
11 they're all very closely aligned, you're pretty
12 confident this is what you have there.

13 So the question is for the scientist and
14 also for the scientist to interpret to the general
15 public, how safe is safe, and to be more safe, you
16 need more data.

17 BOARDMEMBER BAXTER: Thank you. I like
18 that.

19 FACILITATOR BUFORD: Joan, did that --

20 BOARDMEMBER GIRARDOT: Well, I also asked
21 what's the likelihood that further sampling will be
22 done.

23 MR. HENDERSON: I can try to address some of
24 that, is that we are certainly going to be addressing
25 the groundwater monitoring, which we all try to

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1 assess what impacts there are to the groundwater. As
2 far as soil sampling, I think at this point we are
3 finished with the soil sampling at the Landfill 8.
4 This is confined to just Landfill 8 issues right now.

5 And based on very long and lengthy
6 discussions with the water board and the DTSC, we're
7 doing additional sampling at Landfill 10. Even if
8 you set up a grid -- I want to get back to this grid
9 issue -- what the city said is that if your phase one
10 screening shows no hits, then you don't ever go to a
11 phase two.

12 The whole issue with the grid is where do
13 you call it quits. Is a ten-by-ten grid too much?
14 Is it too little if I build a five-by-five grid? At
15 a landfill it's a hit-and-miss kind of a thing. I
16 guess what we're attempting to say is the impacts to
17 the groundwater is certainly one large area where we
18 can look at and assess what's been there.

19 And keep in mind this landfill has been
20 closed for 30 to 40 years. As Jan said, this is very
21 sandy soil. So if there was anything in there it
22 should have gotten out and we should see great deals
23 of it in the groundwater, assuming that there's a lot
24 there ... if they don't have a lot of hooks.

25 BOARDMEMBER BAXTER: I'd like to make a

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1 couple more points. What I was talking about on
2 Landfill 8 was I was trying to frame the issues for
3 all of the landfills. I was trying to sort of
4 describe the Army's general approach and then what
5 this means in terms of not just Landfill 8 but other
6 issues -- other landfills. And I think an important
7 point to remember is the Army does not have any
8 records what they put in landfills. They weren't the
9 type that kept records.

10 They are quite certain that this
11 construction debris in them -- and quite a bit of
12 construction debris in them -- is that what they see,
13 but that only talks about what they can visually see.
14 There could be other things there from other
15 activities that they wouldn't necessarily visually
16 see.

17 So, we really don't know that well
18 everything that could be in the landfills. They have
19 done what they can with the records that they have,
20 but the records aren't there, and that's not unusual
21 for any military base. Most seem not to have very
22 good records on what they put in the landfills.

23 What I was trying to get at, and I think
24 what Bill was alluding to on the grid system, is when
25 you do a grid system is what you are actually doing

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1 is you are better constraining -- at least the way I
2 phrase it -- the amount of available mass to get down
3 to the groundwater. And when you're really concerned
4 about if you're in a sensitive area or if the
5 groundwater is very close or whatever, you may want
6 to do a closer grid.

7 I'd like to do so on some of the landfills,
8 in particular more sampling of the fill for the
9 purposes of trying to get a better handle on it. Is
10 it mostly clean? Is it just a little bit dirty? And
11 how does that impact whether or not something could
12 be excavated versus capped or some -- you know, to
13 help focus in the alternative selections. Also to
14 try and focus in on what I call constraining of the
15 mass problem and to better evaluate potential -- I
16 think there are a lot of ways to get a better feel
17 for how much problem there is in some of these areas.

18 BOARDMEMBER FUENTES: It's good, Jan, that
19 you point out the alternatives. I think we need to
20 move to one step further, like what sort of
21 remediation are we taking on those landfills when we
22 know that, you know, would extra characterization
23 help us figure out what sort of alternatives. Could
24 you name some of those alternatives that we could use
25 for landfills?

1 BOARDMEMBER BAXTER: The general way that
2 landfills -- and I don't want to set myself up as a
3 landfill expert. Actually, Shin-Roei has actually
4 has more experience on them than I have, but my
5 understanding is that generally landfills are closed
6 in place. I mean, the normal landfills, like the
7 garbage landfills and the hazardous waste landfills
8 are closed in place.

9 But they've been properly constructed with
10 liners and that kind of stuff, and they put a very
11 carefully designed and constructed cap on top to
12 reduce infiltration and they watch it forever.

13 BOARDMEMBER FUENTES: So would that warrant
14 extra, additional sampling by Greg?

15 BOARDMEMBER BAXTER: No. This is the
16 traditional type of way of doing landfills. Now,
17 when we're dealing with ours, we can follow that
18 traditional type of approach that they do with formal
19 landfills and cap it and watch it forever, or if it's
20 not a big problem, you maybe want to excavate. If
21 you have, for instance let's say like we have for
22 Landfill 10, you have one spot that has all kinds of
23 hazardous stuff in it, but you do samples and the
24 rest of it's clean. That's all you need to take care
25 of --

1 BOARDMEMBER FUENTES: CERCLA discourages
2 off-site disposal of waste because of the problem of
3 too much landfill out there.

4 BOARDMEMBER BAXTER: That's one thing. It
5 may discourage it, but it does not prevent it though.
6 Also, there's the treatment in place, there's
7 solidification, there's various types of treatments
8 you can do if you have just one area that's really
9 dirty, and the rest of it you can just let go. You
10 don't have to cap five acres. You may only have to
11 cap one acre, or you may only have to solidify a half
12 an acre.

13 There's lots of different ways of
14 approaching the problem if you have a good definition
15 of its size and shape, and that's really all I'm
16 talking, in sort of a general sense.

17 BOARDMEMBER REINHARD: If I can respond to
18 what you just said, the reason CERCLA discourages
19 off-site disposal of waste is not principally because
20 of landfill capacity. The reason is because CERCLA
21 expresses the other preference, that substances
22 should be treated to reduce their hazard mobility and
23 toxicity.

24 BOARDMEMBER FUENTES: In order to reduce the
25 volume that's being deposited at the landfill.

1 BOARDMEMBER REINHARD: Right. But that
2 doesn't mean if you have substances which are in one
3 location which should be looked at for treatment of
4 some kind, that you shouldn't address the problems
5 there in favor of saving capacity in some landfill
6 somewhere else. The preference is to reduce the
7 hazard where the hazardous substances are located.

8 BOARDMEMBER LEE: I think it goes back to a
9 trust factor, understanding what's in landfills,
10 because the number of samples is what we are getting
11 at, how many samples is considered safe. In the past
12 -- hazardous waste and solid waste area. I mean, no
13 one has talked about radioactive waste. There is a
14 Public Health Service Hospital there. There used to
15 be some research done on Letterman. Shin-Roei worked
16 with viruses. Same issues with UCSF.

17 The question here is that from a public
18 health perspective, I think from a city perspective,
19 we want enough confidence that we live here or the
20 intended use of the park is made for something else
21 later on, that we as the public have the confidence,
22 that is, that there's enough samples been taken for
23 enough type of chemicals or maybe radiation that we
24 could be self-assured that there aren't going to be
25 any problems.

1 The question I would have here if someone
2 asked me if the city, our site -- sell our property,
3 we worry about toxic liability, because who's holding
4 the value is going to pay for it. Secondly, if we
5 dig it up and there's some problems there, I mean,
6 who's going to be the responsible party? Is it going
7 to go off to Lobos Creek into a city street? This
8 has been brought to us, you know, for quite some
9 time.

10 Even though you say we may not be there, the
11 Navy told us on Hunter's Point, on Parcel A, which
12 we're taking over -- then they tell us later that
13 they did additional sampling on top of building, they
14 found contamination. And now the Navy has to do more
15 sampling. The only reason they found out there was
16 contamination is because we made them do more
17 sampling.

18 So the question that will come back again is
19 is the public and the city and the National Park
20 Service going to be confident enough or feel safe
21 enough that this number of samples taken at the level
22 they were taken and the type of samples that were
23 taken, are they going to feel comfortable enough that
24 there won't be any future concerns.

25 FACILITATOR BUFORD: Okay. Two more

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1 questions.

2 BOARDMEMBER WILKINS: My only comment was
3 that the fill sites, debris, landfills and other
4 definitions used to describe dumping areas at the
5 Presidio are all very old, and those are activities
6 that occurred long before there were any federal
7 regulations around the government. There may have
8 been local ordinances that allowed the military to
9 conduct those activities.

10 So, I think that the approach that has been
11 taken by the technical experts hired by the Army in
12 doing investigations at all of the landfills, in
13 particular for Landfill 8, I think are relatively
14 satisfactory. For the most part, they are
15 satisfactory. And we have here sitting with us
16 tonight regulators who had an opportunity to review
17 the technical process that was taken. They provided
18 comments to the Army with regard to that, and the
19 Army and the Park Service as well provided
20 substantial comments with regard to that whole
21 process.

22 The Army is taking measures to do not only
23 additional sampling and other types of things to
24 address those concerns because they were valid
25 concerns. So, I think in the revisions of the

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1 process that we use with the additional work, field
2 work that's going to be done, I feel confident -- if
3 we're talking about a confidence level -- that the
4 public concerns could be minimized or their
5 confidence level could be raised, because we are
6 going to do this additional field work.

7 And, again, just reiterating the point that
8 we have a unique situation here and these aren't
9 traditional landfills, and that, you know,
10 nontraditional processes have to be taken into
11 consideration. And I think that the regulators that
12 are sitting here can provide input into why they
13 think that the process is satisfactory, at least up
14 to this point, based on the information of what they
15 know now, or if it's not, what their concerns are
16 about that. All the experts are right here.

17 FACILITATOR BUFORD: Michael?

18 BOARDMEMBER ALEXANDER: Dave, I'm glad you
19 feel confident. I have to confess, I don't quite
20 share perhaps the level of confidence that you have.
21 But I'd like to frame several issues here. In terms
22 of this issue of confidence, Bill Lee, I think you've
23 hit a chord, when you described that process, with a
24 lot of people here about that's the concern, what
25 does it take to make us feel confident about the work

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1 that is being done and what it has shown.

2 First of all, I'd like -- one point that
3 Elizabeth Sopher raised in almost in passing that the
4 record -- that what you did was just to start by
5 going back to records and to examine the records of
6 this base. And I'm sure you didn't mean to imply
7 that examining those records can give you a high
8 level of confidence about what is there.

9 The fact is, in my experience in
10 five-and-a-half years involved with the Presidio is
11 that Army recordkeeping can be utterly meticulous.
12 You can find roomfulls of stuff. You can find
13 roomfulls of stuff of records that are absolutely
14 worthless, and you can find an absolute lack of
15 records on things that are very important to us today
16 but which were very unimportant to the Army 30, 40
17 and 50 years ago, one of which is keeping records of
18 what went into landfills.

19 Basically throw it in the ground was the
20 attitude. This is federal land. Environmental
21 regulations didn't apply to the military until a
22 very, very few years ago, and this was one of the
23 last things that any commander here was going to be
24 concerned about, because it was about the farthest
25 thing from his mission that you could possibly have.

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1 So when we talk about access to records,
2 some of it is relying upon people who worked here and
3 what they remember. Some of it is hoping to find
4 material that -- for example, looking for material,
5 information that was actually written down, but when
6 you talk to people who actually worked here, the old
7 timers -- I've talked with one in Petaluma and he
8 said, "We never kept that stuff," and he worked here
9 for 17 years. So, examining the records may or may
10 not tell you very much. It's very hit or miss.

11 Secondly, I think what we've heard from Jan
12 and from others is that in the range of doing nothing
13 to doing everything, what the laws and regulations
14 have done is to constrain that total range down to
15 somewhere in here, but there is a big gap. We are
16 not talking fine distinctions here when we talk about
17 being optimistic or pessimistic. That's what I
18 meant, Joan, when I said this seems to be more of an
19 art than a science. There is a big range of
20 professional opinion on every one of these issues.
21 And making recommendations, I think, means we need to
22 understand that.

23 What that range entails in real terms, and
24 particularly for the Army and particularly for the
25 Army's budget -- the difference between being

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1 optimistic about how clean a site is and being
2 pessimistic about how clean a site is can be a very
3 big dollar figure. And that's what tends -- the laws
4 constrain to this level, but in the middle here, in
5 the range of professional opinion, dollars count. We
6 haven't been talking about it, but it's the
7 underlying thing, I think, that tends to drive a lot
8 of this -- and some of the people who deal with this
9 are shaking their heads yes.

10 Third point. In relation to the cap, the
11 discussion of the cap on Landfill 8, I think most
12 people understand it, but just to be sure that we all
13 do, when the Park Service and Army got together and
14 agreed that the cap wasn't the solution because it
15 created problems of its own, that didn't mean that
16 monitoring is the solution.

17 What we've done by throwing out an
18 inadequate solution is to go back to no solution, but
19 rather to gathering data again, gathering more data.
20 We will, at some point, have to deal with another
21 solution to this problem. And it may be capping; it
22 may be excavation; it may be something else. But we
23 don't have a solution now. And I know a lot of
24 people put in comments, "Yeah, let's keep doing
25 monitoring," but let's be clear, that's not a

1 solution. That only postpones judgment day.

2 Finally, Bill, to build on your notion of
3 confidence, how do we determine confidence level? Is
4 it just a feeling that the public says, "Well, okay,
5 we feel confidence on this"? Isn't confidence level
6 something that can be, at least to some extent,
7 statistically determined? And aren't there standards
8 for confidence levels here? And can we get some
9 explanation of that so that we have some idea of how
10 do we narrow this enormous range of can we feel
11 confident, can we sleep at night or not, down to
12 yeah, there are unknowns, but we're going to live
13 with them within this range.

14 FACILITATOR BUFORD: Okay. Bill, that
15 question was addressed to you.

16 BOARDMEMBER LEE: Yeah, I mean, you do mass
17 amount of confidence. It depends on the number of
18 sampling you take, the analytical precision accuracy
19 of the method that you use, and for each sample.
20 Then you take a sample aggregate, depending on how
21 you get a range of results, basically. And that can
22 be done statistically.

23 But the issue here would be is that there
24 are some procedures -- and I agree with you as an
25 art -- to determine what is the number of samples you

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1 need to take, how deep you need to take it, a lot of
2 professional judgment. The key here is that if you
3 find a contaminant, then you have to do additional
4 sampling. But when you do your first round of
5 screening, it depends on how many things you screen
6 for, like, if you screen for PCPs in a lot of areas.

7 I mean, in the past, you know, you weren't
8 given a choice, you want a clean site, you know, the
9 railroads just poured PCPs everywhere. The question
10 also is that there are issues of no one is looking --
11 which they found here, which surprised me, where we
12 have high levels of borileum, all right, which is
13 very unusual. But we found out in the Bay Area we
14 have higher levels of borileum that's naturally
15 occurring, and that's another issue we have to look
16 at.

17 But going back on trying to give you
18 examples is that you've got statistical methods, but
19 after that some of it is going to have to be a
20 judgment call. And the question of the judgment call
21 is that you have to determine how safe is safe and
22 the intended use of a site. If the site is
23 completely grass over, you know, if they have a
24 building there, you're not going to build anything
25 and you've got 20 feet of grass, we'll say, or clay

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1 on top of it but you have kids playing on top of it,
2 it shouldn't be a problem.

3 The issue could also be rainfall, and if you
4 already have contamination here, how long does it
5 take the rain to percolate down to the groundwater.
6 The other issue is are we going to use any site
7 around that area as it uses gray water for watering
8 of the trees and the plants and the flowers.

9 So, there are a lot of variables you have to
10 look at before the final decision. But there are
11 statistics available that you use, and there's
12 confidence limits that can be determined.

13 BOARDMEMBER ALEXANDER: Have they been used
14 in this --

15 BOARDMEMBER LEE: This one it has not --
16 most of it, in my view, is professional judgment
17 based on what they have found of its past records
18 that they've looked at. It's more like you buy a
19 home, you have an inspector come in and, well, do you
20 test for asbestos everywhere in your heating system
21 or do you take one or two samples, that type of
22 issue.

23 You look at a termite inspection. Do you go
24 over every area of building or do you do a random
25 sampling? And most people do a random sampling. But

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1 in this situation as I look at the sampling they did,
2 I would say, very light random sampling. I think
3 more samples need to be collected, especially in
4 Landfill 8 area.

5 BOARDMEMBER HORENSTEIN: To add on your
6 house analogy, I think it's a great one, and it goes
7 back to cost. The reason you don't sample for
8 termites everywhere, it costs too much money. And
9 that's why, again, what Michael Alexander said, I
10 agree, the cost comes into play. And I think it's a
11 really good example.

12 FACILITATOR BUFORD: Bennett, did you want
13 to add --

14 BOARDMEMBER HORENSTEIN: I had a couple
15 other issues in my review I wanted to bring. But
16 sampling, I think, will come up over and over again.
17 I think -- I'm glad that David is confident in the
18 documents the Army puts out. I think our role here
19 is to assess that and perhaps to influence the
20 opinions in the other way if we feel necessary.

21 I agree in this case. I think probably
22 sampling was done on the light side, presumably for
23 FOST or other considerations. But when you have a
24 landfill that you don't know what's in there and you
25 have no records of what's in there and you have live

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1 groundwater beneath it and that groundwater migrates
2 to a water source, a potable water source, you may
3 want to err on the side of more samples and not less.
4 So, that's my thought on one issue and I think would
5 be appropriate comments, perhaps, to come from this
6 RAB.

7 Another issue that came to light is the
8 issue of background, and that may come up at other
9 sites as well. Background is defined by wherever you
10 draw your circle. Conclusions are made in this
11 document that if you sample here and it's not greater
12 than this background, then it's not an issue that has
13 to be addressed in cleanup of this site -- assuming
14 it's not a certain action level or whatever.

15 But specifically on this site, they drew a
16 background around Landfill 8 and found pesticides in
17 the surface soil. And they said, "Well, it's no
18 higher than the background." Well, what's the
19 background? The background is other areas of the
20 Presidio. We know pesticides were found in the shed.

21 When we're talking about pesticides, what
22 are we talking about? We're talking about DDT, but
23 we're talking about some of the most toxic known to
24 man, really. And I hear arguments occasionally,
25 "Well, they're minute concentrations." Well, as

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1 minute concentrations, they're very toxic as well.

2 So I think background is an issue that we
3 have to look at and not just say, "Well, it's not
4 greater than background." To me, background,
5 perhaps, is outside of the Presidio. In fact, it was
6 kind of interesting, there was a comment in the
7 report that said something to the effect that we
8 can't determine the source of these pesticides;
9 perhaps they were blown from area residences onto the
10 Presidio. But that's the type of thing I don't think
11 we need to accept. And certainly we know the
12 Presidio and Army used pesticides and all that and
13 applied them.

14 The other issue, again, is kind of more of
15 this pesticides thing because it kind of concerns me,
16 really based on the toxicity. You think of the use
17 of the park, kids rolling around in the surface soil.
18 To me, pesticides on the surface of the soil and in
19 the area is an issue we need to look at as interested
20 users of the park.

21 Here's an example: There were pesticides in
22 the surface of the landfill, some found in the
23 groundwater, some in the lake and some in the shed 50
24 feet away, and more pesticides in the background
25 determination, but a conclusion some of these

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1 pesticides blew in from nearby residences. Anyway,
2 to me I haven't looked at it in detail enough to
3 recommend this, but I'm leaning towards this, that
4 maybe it's been done already, that a pesticide survey
5 of the Presidio be done and determine are there hot
6 spots in pesticides and what's really the toxicity.

7 For example, in Landfill 8 the highest
8 toxicity of all the contaminants we're talking about,
9 the highest risk factor came from the pesticides with
10 dermal exposure, skin exposure of pesticides on the
11 surface of the landfill. I believe that's Greg.
12 Which, again, is found in comparable concentrations,
13 perhaps to other areas of the Presidio. That's my
14 thought. I guess that's it.

15 FACILITATOR BUFORD: Thank you. Joan?

16 BOARDMEMBER MONAGAN: Briefly, back to the
17 question of confidence, some people are expressing
18 confidence in the Army's preferred alternative; some
19 are questioning it. Now, why should I as a citizen,
20 if our regulatory agencies have provided substantial
21 comment on this site and on the other 12 or 13
22 landfill sites that we are going to encounter in
23 future months, and they feel confident -- I'd like to
24 ask Bill and Jan, why shouldn't I as a citizen feel
25 confident?

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1 FACILITATOR BUFORD: Bill? Jan? Who wants
2 to go first?
3 BOARDMEMBER LEE: It's a good, valid
4 question. I think the question of regulatory
5 agencies, okay, is that they go by the book. If you
6 look at standards, how standards are based, say
7 drinking water standards or air exposure, they are
8 set based on cost effectiveness at times. And they
9 look at feasibility, because you can't control
10 everything.
11 We know that the population is a bell-shaped
12 curve where you have people like this. Most
13 standards protect mostly people in the middle. So
14 what happens is if you're susceptible to certain
15 things, you have a kid that's playing that has
16 allergies or has a weak immune system, they have to
17 be -- many of your standards look at the what they
18 consider the average person, and it's usually a man,
19 okay?
20 And they say it's about a hundred and some
21 kilograms, a certain height and has a certain type of
22 metabolism. Just like when you take drugs, all
23 right? You can never protect everyone. The
24 regulatory standards you look at, a lot are
25 health-based, but there's what they call a risk

1 management to the risk assessment.
2 They look at economic feasibility, like
3 chlorinating the water, for instance. We know it can
4 cause cancer, and we drink chlorine, but the
5 beneficial use of it kills all the bacteria. So,
6 that's where regulatory agencies are coming from.
7 They look at what the standards are, what they call
8 appropriate and relevant standards, what's already
9 out there.
10 But what doesn't come to mind is that a lot
11 of chemicals that we're exposed to, there are really
12 no standards because we haven't done a lot of testing
13 of a lot of the chemicals out there. A lot of these
14 pesticides that we're finding out about, like DDT, it
15 took 20 years to find out about. And as we proceed
16 further, we're finding out that people have what we
17 call a physiological reservoir where if you're
18 exposed to something the body can fight it off. But
19 if you keep exposing something, something from the
20 outside more and more, your chances of biological
21 damage is enhancing.
22 So, that's the issue. The issue is basic
23 regulatory standards were usually based on what we
24 call the healthy person -- you know, in most cases,
25 okay, on -- an average person that, say, eats average

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1 type of -- has an average type of weight. It doesn't
2 take into consideration a lot of people who are
3 susceptible to a certain type of chemicals.
4 Another issue that it doesn't take into
5 consideration is that they have for maybe 300 or 400,
6 500, maybe 1,000 chemicals we're exposed to. But if
7 you look at the combination of all these chemicals
8 that are exposed to, what happens to your immune
9 system and what happens to your health, a lot of it
10 is unknown. So, I don't know if that clarifies it
11 for you.
12 MR. HENDERSON: Well, I think if you read
13 the RI you'll find out that the risk assessment was
14 done using children, not healthy male adults. So,
15 you need to read the report first and then come up
16 with the statement that -- what that kind of risk
17 assessment was done that --
18 BOARDMEMBER LEE: I don't disagree with
19 that, but the report also doesn't tell you that your
20 risk based standards, even on kids, are not base done
21 on kids that are susceptible --
22 MS. SOPHER: We're talking about, actually
23 regulatory standards.
24 BOARDMEMBER HORENSTEIN: Well, the different
25 way to answer your question, though, is do you want

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1 to put everything into a government agency which is
2 regulators. I mean, you have criminal law and
3 police; you still have crime and you still don't feel
4 safe. You have DoT and you still have accidents.
5 You have FDA -- you wouldn't eat anything you pull
6 from a supermarket. So that's the point. Regulators
7 aren't infallible, but also regulations are based on
8 economics, like he said. That's a reality.
9 The question is, do you want to live by --
10 and in this case, this specific instance -- the
11 regulations that were passed by politicians on trying
12 to look at the whole big picture and generalizations
13 and limited funds and resources and all that. That's
14 the different way of looking at it.
15 BOARDMEMBER LEE: Take asbestos for example.
16 The EPA has come out; there is no safe level for
17 asbestos, exposure to asbestos. You're exposed one
18 time to this carcinogen, you get lung cancer. But
19 yet they also have for workers certain standards that
20 are much higher than one molecule.
21 So, it's a regulatory issue. Regulatory
22 issues aren't all the time these standards you're
23 looking at for base -- on health risks, because a lot
24 of it's not feasible because you don't have
25 engineering to do it where you ban a lot of, like,

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1 chlorine. They can issue a ban in chlorine in
2 drinking water based on some of their standards, but
3 because of the benefits of it killing bacteria, we
4 leave chlorine in there.

5 And also like fluoride T, same issue. It's
6 an issue when you have a regulatory standard, you
7 have to understand what the standard is based on. the
8 asbestos standards have changed drastically. Lead in
9 children, blood levels have changed drastically in
10 the last 20 years. As you go further in the future
11 you'll find out a lot of standards will be more
12 stringent.

13 FACILITATOR BUFORD: Jan's turn.

14 BOARDMEMBER BAXTER: My turn, and I'm going
15 to more or less put it in terms of people. And
16 within a regulatory agency you're going to have a
17 variety of people with different backgrounds and
18 different ways of evaluating and that type of thing.
19 And that's what Michael was talking about, how things
20 are sort of squeezed in a little bit on the two ends
21 but there is still at that gray area.

22 So within any regulatory agency you can
23 probably find a regulator that will fit somewhere
24 within that gray area. And the question will be
25 whether or not you're comfortable with the approach

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1 that regulators feel is appropriate. You may not be.
2 It doesn't mean that you're right and they're wrong
3 or whatever; it's just that there may be a shade of
4 gray and you need to pick your own shade of gray.

5 The other thing is that on many issues there
6 aren't any hard, fast rules. So there are a lot of
7 judgments to be able to evaluate whether the person,
8 in this case in the regulatory agencies, making
9 judgments that you feel are reasonable and wise.

10 And the third reason you want to look over
11 things is that this is a very rapidly changing field,
12 a very fast evolving field and people are learning
13 all the time. They started out -- I can remember
14 five years ago they still don't put in 80 foot
15 screens on a well which now nobody in their right
16 would think of doing because you're not getting a
17 good sample. But they started doing it thinking that
18 was the right way of doing it.

19 So there's a lot of things that changed.
20 And what was done in the past doesn't mean it's
21 correct now. The process moves slows enough that
22 maybe you want to revisit a lot of issues at the time
23 you're looking at it because of the field and the
24 level of knowledge, the level of knowledge in the
25 sampling, in the chemistry, in the remedial

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1 techniques. It's all that. Change. So, that's
2 another reason you want to keep looking at it right
3 at that point in time.

4 FACILITATOR BUFORD: Thank you. Any more
5 comments or questions about the characterization?
6 Okay.

7 BOARDMEMBER HEALY: Mine is not a comment,
8 but a question. Tonight was the first time I was
9 aware there is going to be additional sampling done
10 at Landfill 8. I would have one question for the
11 Army. I presume there's a work plan that's been
12 drawn up on that. And I wonder if that would be
13 something we could take a look at.

14 MR. HENDERSON: For the additional sampling
15 at the groundwater monitoring?

16 BOARDMEMBER HEALY: Yes.

17 MR. HENDERSON: We have a groundwater
18 monitoring work plan that's general for the whole
19 area, because basically since we are purging wells
20 and doing the same thing on the wells, that is
21 available. I don't think we have one specifically at
22 this point for Landfill 8.

23 MS. LEE: Actually, the regulatory agencies
24 are waiting for a proposal from the Army for
25 additional sampling for Landfill 8, because

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1 originally a cap was going to be installed. And with
2 one additional monitoring well for sort of the
3 post-closure monitoring purpose. Now that cap is put
4 on hold because the concerns raised by National Park
5 Service.

6 So we're sort of back to square one, that we
7 are waiting for a proposal now to see what additional
8 monitoring is necessary to make sure that, you know,
9 without a cap that we want to make sure we catch
10 anything that may be leaving the landfill.

11 MS. SOPHER: That's not done yet.

12 FACILITATOR BUFORD: Okay. Did you hear her
13 answer and the answer in terms of the RAB members
14 having an opportunity to look at that work plan? Is
15 that going to be made available --

16 MS. SOPHER: That would be in the public
17 comment period, if we change the alternatives to that
18 proposal that John is working on, that would -- at
19 least what's in the next comment -- to provide a
20 comment period.

21 FACILITATOR BUFORD: So the answer is new
22 public comment period for the changed alternatives.

23 MS. SOPHER: And that would be after the
24 regulatory agencies have agreed with the Army and
25 Park Service.

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1 BOARDMEMBER BAXTER: I had one question.
2 Dave, the one you agreed to an additional -- was that
3 for Landfill 8? I had the impression that was for
4 the sort of the main installation area.
5 BOARDMEMBER WILKINS: Well, I was just
6 saying that generally for everything because of all
7 the comments from the agencies for the main
8 installation area as well as the comments and
9 discussion with regard to the remedial action.
10 BOARDMEMBER BAXTER: So there is going to be
11 some additional sampling done --
12 BOARDMEMBER WILKINS: Well, I mean, that's
13 what's being part of the proposal. I don't know. I
14 haven't seen the proposal yet myself. It's in the
15 process of being developed.
16 MS. SOPHER: The supplemental sampling was
17 based on main installation -- I mean, the major body
18 of that --
19 BOARDMEMBER WILKINS: The major was. The
20 other part was a separate thing based on events in
21 the last -- discussion in the last month.
22 BOARDMEMBER BAXTER: So for the main
23 installation there is a work plan being developed.
24 Do you know when the RAB is going to take a look at
25 it?

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1 completion dates are going to be subject to what's
2 going on now, and that's the development of the work
3 plan for additional sampling and things like that
4 based on all the comments from the regulatory
5 agencies. And everything else is yet to be
6 determined.
7 Going on to the next page, we look at the
8 main installation area. The main points I wanted to
9 bring up on that is Item 4, it's our goal -- well, we
10 must get the contract for additional sampling done
11 prior to the end of the fiscal year. And that's what
12 the Army is in the process of working out with its
13 technical contract.
14 So, when that gets done, as Elizabeth
15 mentioned, and the work plan and tech memo and that
16 type of thing would be developed and field work we
17 can start this fall. As you can see, on Item 6 and
18 7, we're again, just to reiterate, talking about
19 having those documents prepared next spring as they
20 get revised based on additional sampling.
21 Excuse me, Item 8, Building 231 and 937, if
22 you flip to the next page you'll see groundwater
23 monitoring program for that area, it goes out through
24 FY '96, and you all have been given fact sheets; I
25 think everyone has, a couple RABs ago, with regard to

1 MS. SOPHER: Liz, we are in the process of
2 facilitating a contract worked out with the Army.
3 So, we've been working on numbers back and forth with
4 John. When the contract is awarded, the technology
5 would be written for those, and actually we are
6 starting on those, what we can do now. We're hoping
7 in the field in November or so, so it would be.
8 BOARDMEMBER WILKINS: There is nothing to
9 look at now, to answer your question.
10 FACILITATOR BUFORD: Okay. Can we bring a
11 closure to Item No. 3 on the agenda? We'd like to
12 move on to Item No. 4. David Wilkins will make a
13 presentation on the overview of the five restoration
14 programs at the Presidio.
15 BOARDMEMBER WILKINS: Okay. If everyone can
16 just turn to the hand-out that's got restoration
17 milestones, NEPA process on there, I'd just like to
18 highlight some issues as we flip through these pages.
19 And I encourage all of you, since this was a question
20 for everybody of what are the feature activities that
21 are going on, please take the time to look at this.
22 It will answer a lot of questions for you with regard
23 to what's going on in the future.
24 Overall on this first page with regards to
25 this NEPA process that, as you can see, the RI and FS

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1 the -- or at least a presentation with regard to the
2 UCB system at the Building 937 area.
3 BOARDMEMBER ALEXANDER: Dave, are the first
4 two FY dates reversed there?
5 BOARDMEMBER WILKINS: Yes, yes.
6 BOARDMEMBER HORENSTEIN: David, SOC is...
7 BOARDMEMBER WILKINS: Statement of
8 Condition. That was back on Page 1 where it says
9 SOC, start and complete.
10 BOARDMEMBER HORENSTEIN: And AEC is what?
11 BOARDMEMBER WILKINS: Army Environmental
12 Center. That's who John Buck works for. He's not
13 here today.
14 BOARDMEMBER WILKINS: Flipping over a couple
15 of pages you come to a slide on the Public Health
16 Service Hospital, and I think in our last few
17 discussions --- everyone should be pretty familiar
18 with where we stand on the time line with regards to
19 that. Recently we had the public meeting on August
20 18th. Our goal is to have a comment package
21 completed by mid-September. And given the
22 discussions regarding Landfill 8, specifically out of
23 the Remedial Action Plan and any new alternatives
24 that may come out of that, we're shooting -- our
25 target is to try to get a Record of Decision

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1 published by the end of October. But, again, these
2 are tentative dates.

3 BOARDMEMBER LEVINE: On the public comment
4 period, is that August 1st to the 30th?

5 BOARDMEMBER WILKINS: It should be August
6 1st to September 1st. On Item Number 2 on the Public
7 Health Service Hospital it says public comment period
8 for the RAB August 1st to the 30th, it should be
9 August 1st to September 1st.

10 Then Item 6, 7 and 8 describe previous and
11 future activities for the three main areas that were
12 identified in the remedial action plan, the
13 investigation at Landfill area 10, Building 1827
14 demolition and the Landfill 8 investigation and
15 design respectively. And then you can see the chart
16 there that describes a quarterly sampling for
17 Landfill 8.

18 On the next chart where it says underground
19 storage tanks, fuel distribution system sites, what
20 I've identified there are four major programs that
21 are going on with that particular activity. The
22 first one is investigation of unsubstantiated
23 underground storage tanks, indoor USTs.

24 What we mean by unsubstantiated is they're
25 either building floor plans or some other type of

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1 textual written records that indicated a tank may
2 have existed in a certain location and/or adjacent to
3 a certain building, but then during an actual
4 physical investigation the tank wasn't there or it
5 may have been in a different location than what was
6 in the physical record. So that's what those --
7 indoor USTs, obviously those are inside of the
8 buildings. Those are mostly in basements of
9 historical buildings. So there's some unique
10 considerations to be taken.

11 Building 1349 is not actually a building,
12 it's actually a tank on the Presidio. That was part
13 of the fuel distribution system. It was one of the
14 main storage tanks. That investigation is ongoing.

15 Additional UST investigations at various
16 sites, that's basically just the program that's going
17 to look at all the other tanks on the Presidio that
18 aren't indoor or aren't unsubstantiated. And that
19 would include like hydraulic tanks and very small
20 tanks that hold maintenance base. Then the fuel
21 distribution system is actually the underground
22 pipeline that was used to provide fuel to the various
23 homes and the administrative buildings on the
24 Presidio before it was converted to natural gas.

25 There are four pages following this slide,

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1 and they each give a detailed breakdown of the
2 activities for each of those four areas. So, for
3 example, for unsubstantiated USTs, indoor UST, you
4 can see the very bottom of the page it gives a
5 detailed -- what's happened in 1994 and what's going
6 to happen in the future for that. And the same with
7 the other three program areas under the UST program.

8 BOARDMEMBER ALEXANDER: What is an on board
9 review?

10 BOARDMEMBER WILKINS: Greg, you can correct
11 me.

12 MR. BRIDGESTOCK: During the design process
13 usually we'll do what we call a 30% or conceptual
14 diagram. Then we go to either 60% or 90% getting the
15 final design. An on board review is where in a
16 process where we bring the designers together with
17 the reviewers and conduct a review on the spot. It
18 somewhat speeds up the process. So, it's just a term
19 we use called on board review. It goes back to the
20 architectural design. If you have a design drawing
21 on the drawing board, that's where the term came
22 from. You just leave it on the board and go and look
23 at it.

24 BOARDMEMBER WILKINS: Okay. I'd like to
25 flip through those pages and go to the slide that

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1 says 637 Area. I'd also like you to pull out the
2 handout that says Groundwater Treatment System Fact
3 Sheet. It has a little diagram of the treatment
4 system. That's the source reduction measure at
5 Building 637. That's one of the significant
6 activities ongoing now at the 637 area.

7 As you can see from this slide, if you'll
8 flip over to another page, it just talks about future
9 activities that are going on, particularly the
10 economic evaluation cost analysis. And then again,
11 continued groundwater monitoring. Flip to the next
12 page you'll see 637 area, groundwater monitoring
13 schedule.

14 On the very last page, the last two items in
15 our restoration program is environmental sampling and
16 analysis plan. Again, the work plan, technical
17 memorandum, our goal is to publish that by the end of
18 September in order to start the fuel work in the fall
19 and, again, the other goal, to get a final report
20 published by the end of the year.

21 As far as the BRAC cleanup plan our
22 intention is to have a revision planning meeting
23 sometime in October and to come out with Version II
24 sometime in the November/December time frame. And
25 that is going to be after we complete a summary

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1 comment package in October.
2 So, this represents, as we know it right now
3 and with our best guess estimates, the fast track --
4 I like to use this word -- cleanup program here at
5 the Presidio. So, I encourage you all to take the
6 time to review that a little more thoroughly. Most
7 of the dates for these items have passed. There are
8 a few items that are projected out for the future,
9 but I think the groundwater monitoring calendars are
10 there. And it shows you the multi year, but overall,
11 just to give you an idea of where we stand and where
12 we're going with all our programs on the base.
13 And hopefully as we go through our RAB
14 process we can come along and discuss those issues,
15 allow you to review documents and things like that as
16 they get published. Any questions about that?
17 BOARDMEMBER REINHARD: Yeah. Since the
18 purpose of the RAB is to, as we all would say, give
19 advice in a timely manner, checking on some of the
20 dates here that seem important for us to be aware of,
21 I've marked down two. One is that for the building
22 637 area, already in July, I guess, the source
23 reduction measure report was due; I guess it was
24 submitted already. In other words, that report
25 guided the decision which is about to be made or in

1 the middle of being made, to endorse the interim
2 remedial measure.
3 So, in other words, if there is going to be
4 input from the RAB about that, it seems that at our
5 next meeting we should, as a group, look at the
6 source -- I'm just going off this. If I'm off
7 timewise...
8 MR. BRIDGESTOCK: No, that's fine. There is
9 a typo here. Actually the report won't be due out
10 until July of 1995 instead of '94, because the
11 reduction measure just started. It will go from now
12 until May of '95.
13 BOARDMEMBER REINHARD: So I don't understand
14 then. I'm looking at this slide at the end, 637
15 area.
16 MR. BRIDGESTOCK: Right. And I thought you
17 were talking about Item I, the --
18 BOARDMEMBER REINHARD: I was looking at
19 this.
20 MR. BRIDGESTOCK: That was a typo that says
21 '94.
22 BOARDMEMBER REINHARD: So in other words,
23 the opportunity to comment or think about the
24 remedial measure is passed.
25 MR. BRIDGESTOCK: No, not the interim

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1 remedial measure. That report is going to come out
2 in September. That's Item J.
3 BOARDMEMBER BAXTER: Maybe you should
4 explain the difference between your interim remedial
5 measure and your source.
6 MR. BRIDGESTOCK: The source reduction
7 Measure B, which is to get something at the site in
8 place right now to look at the so-called hot spot --
9 for lack of a better word -- and we worked this out
10 with great pains with Jan with the work plan, and it
11 was to get a well extraction, a well with the pump,
12 to start looking at what we call the hot spot or the
13 groundwater contamination at the Building 637 site.
14 And it was to start trying to control something now
15 as we looked at a larger treatment system. So the
16 interim remedial measure looks at the bigger picture,
17 the total idea of cleaning up everything.
18 BOARDMEMBER REINHARD: In light of what you
19 just clarified, when that report comes out, we should
20 get it and look at it so that we are able to provide
21 the input about that. The statement comment goes for
22 the other item in terms of this time line, and that
23 goes back to the main installation, slide Item No. 3,
24 the technical memorandum for the additional sampling,
25 which I guess is the end of September, right?

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1 MS. SOPHER: Actually, I think that's --
2 that may be a -- the contract is not going to be
3 awarded until the end of September. So, we are
4 getting started on those, but they will not be done
5 until the end of September.
6 BOARDMEMBER REINHARD: It says there will be
7 a technical memorandum at the end of September, and
8 my understanding is that technical memorandum
9 describes the additional sampling. So that's the
10 meat of this stuff we want to look at. When is that
11 going to be out?
12 MS. SOPHER: I don't think we have a final
13 due date on that. We're trying to get it done at
14 around that time, but we can't commit to that.
15 September 30 is the day it's going to be done because
16 the contracting issues. We don't have the money to
17 do that work yet.
18 BOARDMEMBER REINHARD: To produce the
19 technical memorandum?
20 MS. SOPHER: Yeah, it is out of the scope of
21 what we're doing right now. But we want to be in the
22 field in the fall, so we know we have to get it done
23 soon.
24 BOARDMEMBER REINHARD: So we can also learn
25 about it.

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1 BOARDMEMBER WILKINS: These dates, as I
2 mentioned, are best guesstimates. Those dates are --
3 they're goals that we have set for ourselves that we
4 are trying to meet, and absolutely there are some
5 types of contractual procedures that may derail that.

6 BOARDMEMBER REINHARD: Well, I asked David
7 to make up something like this. I think this is a
8 wonderful piece of information to have and it's very
9 useful, because to me we should, like David says,
10 read it carefully to be aware of the dates coming up
11 and things so that we are able to think about them at
12 the right time. That's one of the uses of this kind
13 of a document.

14 FACILITATOR BUFORD: Jan?

15 BOARDMEMBER BAXTER: I know we talked about
16 it I think a little bit in an earlier meeting, but
17 can you go over, again, the procedures we're supposed
18 to go through to make sure we get documents sent to
19 us? Are we supposed to tell you what kind of
20 documents we want? I'm not clear on the process.

21 BOARDMEMBER WILKINS: Well, I think, based
22 on what we discussed a long time ago, the easiest
23 thing would be to identify with the public affairs
24 officer what documents you want, or even what portion
25 of a document, if it's a multi-volume thing, you want

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1 and we would send that to you. Some people may not
2 want to read three or four volumes that's just
3 chemical analysis data, but other people may want to
4 or they might have support staff to help them review
5 that. So, the easiest thing for me is to identify
6 what portion of the documents you want.

7 BOARDMEMBER BAXTER: What about new ones
8 coming out?

9 BOARDMEMBER WILKINS: Well, that's my
10 responsibility, to announce to you that these
11 documents are available, and I'll bring one to the
12 RAB and say, "These are now available, and let us
13 know if you want a copy or a portion of it," or
14 something.

15 BOARDMEMBER BAXTER: And the public affairs
16 office, Rena.

17 BOARDMEMBER ALEXANDER: Something that I
18 just heard mentioned, that there are contractual
19 issues here. And it seems that the hangup is that
20 there is money available. To what extent does the
21 availability of money affect these dates?

22 BOARDMEMBER WILKINS: It's not the
23 availability of money; it's working out the
24 contractual agreement between the Army and its
25 contractors. And they're very -- we are talking

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1 several millions of dollars here. There are very
2 particular concerns that have to be addressed in that
3 contract, and it has to be very specific. It just
4 takes a while to go through that process.

5 BOARDMEMBER ALEXANDER: In terms of this
6 whole process, though, are we talking about a fixed
7 amount of money available for this whole process, or
8 is this totally open-ended?

9 BOARDMEMBER WILKINS: It's not open-ended.
10 As I understand it, there may have been a fixed
11 amount that was allotted to the department or the
12 Department of Defense -- Congress allots to the
13 Department of Defense, and they in turn allot it to
14 the Army Environmental Center, for example, based on
15 the needs of the installation. So, there's an
16 assessment made between the installation, its
17 technical representatives to the Corps and the Army
18 Environmental Center that say, "We estimate we need
19 this much money to clean up this much contamination
20 at our site."

21 We send that out through our command
22 channels, and we either get that money or get a part
23 of that. And then that is awarded to the
24 installation and the installation in turn has to
25 obligate that money, in other words, spend that

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1 money, by awarding a contract to a contractor to do
2 the work.

3 BOARDMEMBER ROSSI: Let's clarify the
4 environmental thing. The dollars that have been
5 allocated by Congress to the services for the Army,
6 they decided to centrally manage that money, and we
7 don't see it. AEC really manages that money. What
8 the installation does is via what we call a 1383
9 which is a form by which we stipulate the kind of
10 environmental work that needs to be done on a
11 particular site.

12 Via that instrument, then the dollars are
13 ultimately allocated from AEC to a particular
14 project, and that's why John Buck is always involved
15 and that is why the Corps is always involved. We at
16 the installation do not manage those kinds of
17 environmental dollars.

18 BOARDMEMBER ALEXANDER: Can I follow on with
19 that? I guess the concern here from the public
20 perspective is that things don't always get cleaned
21 up, because there isn't money available to clean them
22 up and we've seen some horrendous examples. The Air
23 Force installation on top of Mt. Tam was one where
24 money was simply not available for more than a decade
25 -- on top of a national park -- I'm sorry, that's

1 actually a state park.

2 And there is going to be a concern here that
3 in this national park that the level of remediation
4 activity might not have the funding needed to do the
5 job. What degree of confidence can we have that
6 there will be adequate funds available on a timely
7 basis to do all the work that needs to be done?

8 BOARDMEMBER ROSSI: Let me just answer the
9 question from a policy perspective from as much as I
10 know working in Washington and working on this
11 process. First of all, Congress has said that the
12 services, or the agency, or the federal agency, to be
13 more specific, that has contaminated any site which
14 is to be restored will be responsible for its
15 restoration. That's kind of a general
16 indemnification clause. What they didn't say is how
17 fast they have to clean it up.

18 BOARDMEMBER ALEXANDER: How clean and when.

19 BOARDMEMBER ROSSI: Exactly. And that also
20 relates to how much money is made available, and as
21 you know the appropriations process runs on a yearly
22 cycle. So, it depends on how much money is in the
23 pot. So as a matter of policy with respect to the
24 Presidio, are we going to clean it up? Yes. Is it
25 going to be timely? Don't know, depending on if the

1 money is available for that year. Will money be made
2 available? If they've committed to it. It may not
3 be within the year that you want it, but it will be
4 cleaned up.

5 BOARDMEMBER ALEXANDER: Or it may not be
6 within the decade.

7 BOARDMEMBER ROSSI: They didn't say when.
8 That's a fact. That's all I can tell you. The
9 problem, as you know, of course, in terms of money
10 management in an era of deficit spending and
11 downsizing is that, again, the management decision
12 will be influenced largely by dollars. And therefore
13 this spectrum that you've mentioned with respect to
14 well, it's probably good enough over here and this is
15 cheaper, but I would be a heck of a lot more
16 comfortable if it went over here but that's a lot
17 more costly, guess what way we're going to go most of
18 the time? Hopefully somewhere in the middle, but the
19 pressure will always swing it to toward the economic
20 end. That's a fact.

21 FACILITATOR BUFORD: Any more questions?

22 BOARDMEMBER HEALY: I might add that that
23 goes back to something of an answer or a comment on
24 Joan's question of why we don't just abide by what
25 some experts say the political aspects of this are

1 always pressing in. And we can't just give a nod to
2 something. We are here to be informed, even though
3 some of us are just community people.

4 There's going to end up having to be trust
5 that something that this person says or that one over
6 there says is going to be the basis of my comment,
7 but it's still something that each one of us is going
8 to have to go through, because it is not simply a
9 matter even of whether sufficient sampling was done
10 or whether we have confidence in the sampling.

11 Let's say we have. The next stage that we
12 move into is going to be questions of what we do with
13 it and why it matters. So, it goes back to something
14 of an answer to what Joan was wondering earlier.

15 MR. BRIDGESTOCK: I might add that there is
16 a fixed amount of money, by year, by fiscal year, and
17 our fiscal year ends on September 30th each year. So
18 we're coming up to the end of our fiscal year '94 in
19 about a month. So that has a direct bearing on
20 myself and John getting our contracts awarded by that
21 date, because if we don't, then the money does go
22 away.

23 With BRAC funding it's five-year funding.
24 So it doesn't go away at the end of the fiscal year.
25 However, the Pentagon now is saying that if we don't

1 get our contracts awarded by the end of that fiscal
2 year that the money has been targeted for based on
3 our budget, our 1383 that Mr. Rossi talked about,
4 they will take the money back. Because we're now
5 competing not only among Army, but also with Navy and
6 Air Force. So, it's DoD-wide.

7 So, they're looking at all the services and
8 all the programs, and so if we don't obligate all of
9 our funds, they're going to take it back and give it
10 to other installations that say they can in a
11 contract. So in a sense we are competing with
12 everybody else.

13 So far we have been able to obligate
14 everything and that's why Presidio has been fully
15 funded up to this point in time. And for '94 we have
16 all the funds available. For FY-'95 now, this next
17 year we're going to get into, which is the last year
18 of the BRAC funding for the Presidio, it's going to
19 be on a first-come, first-serve basis.

20 BOARDMEMBER ROSSI: When he says "fully,
21 funded" that's fully-funded based on your budget
22 estimate, approved through the process. So when he
23 says, "I've got to obligate everything I've
24 budgeted," that means that somehow you failed to
25 obligate all that you budgeted. That is one way.

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1 The second way is if there's a fall-out,
 2 that's absolutely correct, if you understand the PBES
 3 system. The fall-out is that someone else failed to
 4 obligate, therefore there's money left over at the
 5 end of the year and therefore they're willing to give
 6 it to you quickly before it expires so that you can
 7 spend it so that they don't have to turn it back.
 8 It's kind of a budget game you've got to play.
 9 That's what he's talking about.

10 But let's talk about the BRAC dollars that
 11 he was referring to. And that's important for the
 12 RAB to know. They do expire at the end of fiscal
 13 year '95. Now, they were five-year dollars -- I
 14 mean, the Congress says, "I'm going to make this
 15 authorization of \$200 billion -- I don't know what
 16 the amount was, but let's say they put it in there in
 17 the pot -- "and these dollars are good; you can draw
 18 from them for five years." Those five years expire
 19 on 30 September, 1995.

20 So whatever restoration work we need to do
 21 on the Presidio needs to be identified, clearly
 22 designed, or at least know what it would cost. A
 23 1383 has got to be submitted, validated, hopefully go
 24 to contract and award it prior to 30 September, 1995,
 25 because if we don't, then we have to fight for

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1 I believe the money will be there if we do proper
 2 programing, proper budgeting, proper submission and
 3 timely submission of 1383. That's the instrument
 4 that the engineering community then recognizes,
 5 "Ah-hah, I've got an environmental restoration
 6 requirement for this site to do X, Y, Z." It's all
 7 checked off. It goes through AEC and it goes back
 8 down to the Corps for contract monitoring, and that's
 9 it. So, it gets obligated, and even though the
 10 contract may extend beyond '95, that money that was
 11 previously approved will continue until the contract
 12 is completed.

13 BOARDMEMBER CHAN: Knowing the federal
 14 government, your budget for '95 had to be in '93. So
 15 in terms of modifying that budget allocation, the
 16 request, you didn't know what kind of activities were
 17 going to be going on. You made some assumptions
 18 based upon your preliminary assessment.

19 Now that we're going back and changing the
 20 preliminary assessment, how hard is it in the budget
 21 to take on new activities?

22 BOARDMEMBER ROSSI: You update the budget
 23 input every year, even though --

24 BOARDMEMBER CHAN: But you still have to do
 25 that in '94.

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1 another color of dollar known as DERA which is in a
 2 totally different pocket allocated by the Congress
 3 for the same purpose but controlled separately.

4 BOARDMEMBER CHAN: So the restoration
 5 activity that extends over fiscal year '95 will have
 6 to be fought for each year on a separate basis.

7 BOARDMEMBER ROSSI: Different color money.

8 BOARDMEMBER ALEXANDER: Is DERA money what's
 9 used for -- this is going back now about four years
 10 to the Army's base closure EIS. DERA money was
 11 Defense Environmental Restoration Act. And did
 12 that apply to what's called a FUDS -- sorry, people,
 13 but I don't make up these acronyms -- a Formerly
 14 Utilized Defense Site. In other words, on December
 15 30th, '95 --

16 MR. BRIDGESTOCK: DERA was the installation
 17 restoration program, so essentially an installation
 18 that's remaining open, and it has an ongoing
 19 environmental program. That's what the DERA account
 20 was set up for. And you compete on a different basis
 21 for that money. It's actually a little bit harder to
 22 get than BRAC funding. So there's all these
 23 different programs.

24 BOARDMEMBER ROSSI: There are different
 25 programs. I think for the purposes of the Presidio,

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1 BOARDMEMBER ROSSI: Oh, yeah, I'm sure they
 2 do --

3 MR. BRIDGESTOCK: But that's the point I
 4 wanted to make. It does the budget at least one to
 5 two years prior to the fiscal year you needed the
 6 money for. So, yeah, as we get into FY-'95, they
 7 were set up in FY-'93 and FY-'94. We made
 8 assumptions as best we could. We made a lot of
 9 guesses, hopefully being conservative.

10 But there is an impact when you start asking
 11 for more sampling. It does cause these problems.
 12 And the Pentagon might say, "Okay, we'll give you the
 13 money for the additional sampling, but then they'll
 14 take it out of the remedial action budget. So you
 15 might get additional sampling but then you won't have
 16 money to do the cleanup.

17 Now, it doesn't mean you'll never get to do
 18 it, it just means it's going to get pushed down the
 19 road, and you'll get into this DERA funding instead
 20 of BRAC funding, and it just becomes harder to get
 21 and you compete across the country.

22 BOARDMEMBER CHAN: So as a RAB we will
 23 assume that the budget that was set aside for this
 24 upcoming year that you're working from was based upon
 25 the additional conditions that were placed in front

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1 of us? Not the revised -- so all those additional
2 activities are all actually monies that we have to
3 get some place.

4 MR. BRIDGESTOCK: That's right. However,
5 you can make adjustments as you go along. It's hit
6 or miss if you're going to get the money.

7 BOARDMEMBER ALEXANDER: Let me just follow
8 on with one other point, because I'm remembering
9 stuff now that was four years ago, and is becoming
10 important again. One of the issues about
11 availability of funds for cleanup was the priority
12 that Presidio had, the pecking order for funds
13 availability, and that's where I remembered the
14 acronym FUDS. It stands for Formerly Utilized
15 Defense Sites.

16 That's the lowest priority for cleanup, and
17 that's what happened at Mt. Tam. They couldn't get
18 it cleaned up because they had the lowest priority.
19 The Air Force was gone; they were history. And
20 basically what they said is, "We'll clean it up when
21 we get around to it. And, by the way, every active
22 Air Force installation has a priority over this one
23 that we've abandoned."

24 Are there priority issues as we move from a
25 former BRAC site to something else, to a national

1 park? Are there priority issues for cleanup that
2 would affect whether we get money?

3 MR. BRIDGESTOCK: Yes, there will be
4 priorities when we get into fiscal year '96. There
5 has been talk about extending the BRAC funding, but
6 that hasn't been done yet. It's a question mark. So
7 right now we have to go on the basis that we're going
8 to go into the DERA money.

9 We have already set those budgets up. We've
10 made some assumptions, some guesses, because we had
11 to get numbers on the line items for the work plan
12 for the budget that goes to Congress. So, we do have
13 that information submitted; it's in the process. But
14 there is a big question mark that Congress is going
15 to have to grapple with come FY-'95 as to do they
16 extend the BRAC funding.

17 If you have a treatment system up and
18 running, you're going to get top priority to get
19 funding to keep that system going. That's the one
20 assurance they have given us.

21 BOARDMEMBER ALEXANDER: But I understand
22 that DERA has a lower priority than BRAC money.

23 MR. BRIDGESTOCK: In simplistic terms, yes.

24 FACILITATOR BUFORD: Okay. With that, if
25 that answers your question, our reporter is needing

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1 another break. We'll give her a chance to rest her
2 hands, and let's just take five minutes.

3 (Recess)

4 FACILITATOR BUFORD: We're ready to continue
5 the meeting. Greg, you had an announcement you
6 wanted to make?

7 MR. BRIDGESTOCK: In addition to the
8 milestones that Dave handed out, I think, as Roger
9 mentioned, it was mentioned at the last RAB that we
10 have got ongoing activities at a lot of sites across
11 the Presidio right now. And we have been told that
12 some of you might be interested in coming out and
13 seeing what's going on.

14 Well, we put together a two-week schedule of
15 activities. So, I have copies of this. I'll just
16 pass it around and you can take one. We'll keep
17 these updated on a two-week basis. This essentially
18 will give you an idea of what's going on if you want
19 to go out to the site and see what's going on.

20 The only caution I'll say is we do have
21 these people under contract. They're under certain
22 time schedules, so they might not have a lot of time
23 to stand there and talk to you. We have information
24 boards at the site itself. You can read about what's
25 going on, and it talks about the health and safety

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1 issues that you need to be concerned with. I'll
2 leave it at that. This will give you an idea what's
3 going on.

4 FACILITATOR BUFORD: Thank you. Are there
5 any more comments or questions on the restoration
6 program? Then we can move on to Item 5 on the
7 agenda, information updates. There is a fact sheet,
8 information paper, preliminary assessment screening,
9 application to transfer the Presidio. Dave, is this
10 something you want to comment on?

11 BOARDMEMBER WILKINS: Well, based on a
12 question or concern brought up at the last RAB, this
13 information paper provides you the Army's position
14 regarding preliminary assessment screening. So, I
15 will leave that to you to review. It's
16 straightforward.

17 FACILITATOR BUFORD: I'd like to move on to
18 the next item, the status of the Federal Facility
19 Site Remediation Agreement, of the FFSRA. I think
20 David can give us the status of that.

21 BOARDMEMBER WILKINS: The issue regarding
22 the FFSRA that was brought up was can or will the
23 general public, which includes the RAB members, be
24 authorized to review this document in its current
25 form or its final form. As I understand it, the

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1 position from all the agencies involved, which is the
2 Army, the Park Service and the state, is that the
3 document will be available for public review once it
4 has been finalized. And it is not finalized. So,
5 that's the status.

6 BOARDMEMBER ALEXANDER: That's not an
7 answer, Dave. It's been in negotiation for something
8 like a year and a half.

9 BOARDMEMBER WILKINS: That may be true, but
10 the answer is it's not finalized and from the
11 agencies involved in developing this document or this
12 agreement, their positions are collectively that it
13 will not be disseminated for public review until it
14 is finalized.

15 BOARDMEMBER ALEXANDER: Is there a project
16 date for a signature now?

17 BOARDMEMBER WILKINS: I can't really answer
18 that question. I just do not know. That's happening
19 at the Pentagon level, secretariat level.

20 BOARDMEMBER ROSSI: I have a question I'm
21 not sure I'm clear on, though. What happens if we
22 don't have a signed federal site remediation
23 agreement?

24 BOARDMEMBER FUENTES: Well, first of all, we
25 don't have an enforceable schedule. This cleanup may

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1 go on to year 2005; we don't know.

2 BOARDMEMBER ALEXANDER: This cleanup may go
3 on... I didn't hear what you said.

4 BOARDMEMBER FUENTES: Without an agreement?
5 Yes, yes, as long as we're moving along with the
6 process and, you know, our management, the regulatory
7 agencies are involved in the process. I think my
8 management definitely would like to see an agreement
9 because that would define our roles and would give us
10 an enforceable schedule.

11 BOARDMEMBER ROSSI: So, if you don't really
12 have a legal role because there's no FFSRA, then what
13 is your role?

14 BOARDMEMBER FUENTES: Well, we still have
15 legal roles. We could always take it to court
16 anytime we want.

17 BOARDMEMBER ROSSI: Then what's the
18 advantage of having a signed agreement or not
19 having --

20 BOARDMEMBER FUENTES: Like I said, if our
21 idea is to expedite the cleanup process, we need to
22 have an enforceable schedule.

23 BOARDMEMBER WILKINS: There's two major
24 components, and one is it sets time frames for
25 reviewing documents. So it might say 30 days instead

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1 of ten months, because we've had ten months review by
2 regulatory agencies. And the thing, it establishes a
3 dispute resolution process, which is very critical in
4 case there are disputes so that we can avoid lawsuits
5 and that type of stuff. Those are two major parts of
6 that.

7 BOARDMEMBER FUENTES: Another option is a
8 unilateral order, but we don't want to do that, you
9 know, we don't want to eliminate this process here,
10 because if we go on through the normal way of state
11 handling it unilateral, first of all, all the
12 schedules will be given to the Army and, you know, we
13 have a public meeting that is dedicated only for the
14 final stage of the cleanup. So, we have all this
15 advantage here.

16 BOARDMEMBER ALEXANDER: There is one other
17 issue too, making the Park Service, Park, a full
18 party to the agreement.

19 BOARDMEMBER WILKINS: Oh, they are. That's
20 what I was saying.

21 FACILITATOR BUFORD: We have three parties.

22 BOARDMEMBER ALEXANDER: The Park Service
23 will be a full party.

24 BOARDMEMBER WILKINS: Yeah, NPS, the Army
25 and the state.

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1 FACILITATOR BUFORD: Okay. No more
2 questions about the status of the FFSRA until the
3 next RAB meeting, I take it.

4 Okay. New business -- before we get to new
5 business ...

6 BOARDMEMBER REINHARD: Yeah. Well, we had
7 talked about the schedule of having meetings every
8 two weeks, as long as we wanted them or maybe going
9 on different schedules. In light of what we were
10 saying earlier about agendas, during this meeting
11 I've written down the following notes for the next
12 meeting: The report of the organizational committee,
13 perhaps we would talk about the workshop that's
14 scheduled on the 20th if we met before the 20th, and
15 new business.

16 Those are the three items I have on the
17 agenda. That suggests to me that unless there is a
18 lot of input later, or people want to hold off, that
19 we might consider not having a meeting on the 13th
20 and having on our next meeting be the one after --

21 BOARDMEMBER WILKINS: September 27th.

22 MR. HENDERSON: On this thing you have
23 meetings on the 30th of August, 13th of September,
24 the 20th of September --

25 BOARDMEMBER REINHARD: The 20th is a

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1 workshop. The 13th is our next scheduled meeting.
2 And what I'm saying is these are my notes for the
3 tentative agenda. This suggest that -- I mean, maybe
4 there is going to be more input and people are going
5 to, you know, think about things during the next
6 week. But I'm also throwing open the question, do we
7 want to not have a meeting on the 13th and wait until
8 the 27th?

9 BOARDMEMBER LEVINE: I don't think that's
10 practical, because we still have a lot of things that
11 we as an organizational meeting will have to bring
12 up. We can't keep procrastinating. We have to start
13 moving ahead.

14 BOARDMEMBER REINHARD: That's what I'm
15 saying. There is content for a meeting on the 13th,
16 but I think there will be more. Okay. I just wanted
17 to also let everyone know these are the notes I've
18 taken so far for the agenda, and for people who are
19 going to have more or other ideas, please call.

20 BOARDMEMBER HEALY: I might make one comment
21 on that. Given the way we talked tonight about
22 procedures, maybe we could have a longer meeting in
23 two weeks than we had tonight, just talk about
24 procedures.

25 BOARDMEMBER ALEXANDER: New business item.

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1 record that 245-T was used, and we did sample for
2 those compounds.

3 We have detected 24-D in three wheels at
4 Crissy Field, and we're going to re-sample that area
5 from the supplemental program. And the dioxins are
6 mostly a byproduct of that 245-T. But we're still
7 doing a little more research on that, but that's what
8 I know right now.

9 BOARDMEMBER ROSSI: Don't go to the Central
10 Valley, because it's all 24-D.

11 FACILITATOR BUFORD: Michael, did that
12 answer your question?

13 BOARDMEMBER ALEXANDER: It answered it
14 preliminary. We can get a fuller update on that.

15 MS. SOPHER: John and I are still looking
16 into that, working it out in the context of the
17 future sampling if we feel there's a problem in the
18 insecticide.

19 FACILITATOR BUFORD: Okay. So, you have new
20 business. Did you come up with a secretary or
21 someone to summarize your minutes?

22 BOARDMEMBER LEVINE: We're asking if there's
23 any volunteer person for secretarial..

24 FACILITATOR BUFORD: Sol is calling for
25 volunteers to summarize the official note-taker's

1 On a radio talk show on the Presidio I was asked a
2 question that I promised to bring before the RAB. A
3 caller said that -- he wanted to know if dioxin had
4 been tested for at the Presidio, and that the reason
5 for his question was that dioxin levels have been
6 detected at Hamilton Air Field, which I pointed out
7 at a considerably different use than most of the
8 Presidio, but that it was only because there had been
9 a demand to test for dioxin. That was a residue of a
10 pesticide used at Hamilton, I believe, for roadside
11 weed control and that he believed that the same kind
12 of roadside weed control program had taken place at
13 the Presidio.

14 So, I promised to ask the question I'm
15 asking now. I don't require an answer now, but I'd
16 like to hear one at the next meeting.

17 MS. SOPHER: I can say a few things about
18 that. I don't have all the answers for that
19 question. Dioxins are sometimes a byproduct of
20 245-T, which is -- Agent Orange is a mixture of 24-D
21 and 245-T. These are much longer words that you
22 don't want to know what they are. 24-D was a
23 pesticide used and there is actually history in the
24 enhanced PA, or one of the preliminary assessments
25 for the site. There was 24-D used, but there's not a

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1 transcripts of the RAB meetings. Okay. We are going
2 to go back to the organization committee and come
3 back with a proposal.

4 Any other business?

5 BOARDMEMBER LEVINE: The other was we felt
6 that to get started for the next meeting that Doug
7 should be invited to be the facilitator for the next
8 meeting, and we would then use Arnie after, for that,
9 if that would be all right, until we got ourselves
10 into a place out of the facilitator role. We figure
11 it's going to take one or two meetings to get all
12 that together.

13 FACILITATOR BUFORD: I have no problem with
14 that. The Army should make that call.

15 BOARDMEMBER WILKINS: Sounds like a good
16 idea to me.

17 BOARDMEMBER LEVINE: We felt this is
18 important enough that we have a RAB vote on it.

19 FACILITATOR BUFORD: Okay. Some of our
20 members have left, but we'll put a proposal before
21 the members who were present.

22 BOARDMEMBER WORK: Could I ask you a
23 question? I'm sorry to interrupt, but I have a
24 quandary ever time there's a vote, and I don't know
25 if the RAB wants regulators voting on all these

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1 issues or not. So I have been not voting because I
2 never had clarification. I just wanted to let you
3 all know that there's at least one regulator who's
4 thinking about this question, and has not been
5 voting.

6 BOARDMEMBER LEVINE: It's interesting
7 because we discussed that point at our organizational
8 meeting. We kept that away because we wanted to
9 discuss it further. And I think by the next meeting
10 you'll have our votes on that.

11 BOARDMEMBER WORK: Okay. And whatever
12 decision the citizen members come to is fine by me.
13 I just wanted to let you all know it's something I
14 think should be answered.

15 FACILITATOR BUFORD: Thank you, Michael.

16 BOARDMEMBER REINHARD: Can I interject a
17 little bit? I mean, a facilitator is for all parties
18 around here. I think Michael should vote and
19 everybody should vote. I mean, if we are going to
20 have a vote now without deciding that Michael can
21 vote, that seems a little awkward on this topic,
22 particularly my view is on something like this of
23 course, everybody at the table would vote one way or
24 the other. If we are going to have a facilitator, it
25 shouldn't be just a facilitator for a segment but the

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1 whole RAB, right?

2 BOARDMEMBER ALEXANDER: Is this group
3 controversial?

4 BOARDMEMBER ROSSI: The question was beyond
5 just this vote.

6 BOARDMEMBER WORK: I meant in a general
7 sense, and maybe there needs to be some clarification
8 made.

9 BOARDMEMBER LEVINE: I think this is just a
10 temporary vote. Can we call for the vote?

11 FACILITATOR BUFORD: All in favor of the
12 proposal to have the next two meetings facilitated by
13 Doug and Arnold Rossi show your hands. It's not
14 unanimous. All opposed? All abstained? There are
15 three people who didn't vote and didn't raise their
16 hands. The community co-chair asked me to call for
17 all votes, and I know that I just want to make note
18 of that, that all did not vote. However, the
19 majority voted for the proposal.

20 BOARDMEMBER REINHARD: I have an
21 announcement. In the pink pages last Sunday I
22 noticed an item I thought might interest people.
23 There is a photography exhibit apparently about the
24 Presidio going on at two different galleries. And I
25 wrote them down and I put it in my briefcase to

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1 announce where they were and now I can't find them.
2 Ansel Adams was one and one was called the Vision
3 Gallery, I believe. I just thought it was something
4 that if you hadn't noticed it in the pink pages, it
5 would be interesting.

6 BOARDMEMBER ALEXANDER: Also, based on -- a
7 stunning new book back on Presidio, which has just
8 been published by the Golden Gate National Park
9 Association that makes a heck of a Christmas gift.
10 It's called Presidio Gateways.

11 FACILITATOR BUFORD: It's in the Presidio
12 Update that was made available by the Park Service.
13 Okay. Joan?

14 BOARDMEMBER GIRARDOT: I'd like to propose
15 that the members of the public liaison committee meet
16 in David's office, since I noticed the error on our
17 committee. That's centrally located with free
18 parking, and that we decide tonight on a time to
19 meet, if the members want to stay.

20 FACILITATOR BUFORD: Okay. With that, we're
21 adjourning.

22 (Adjournment)

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1 STATE OF CALIFORNIA }
2 COUNTY OF ALAMEDA } SS

3

4 I, Jill Anne Stephenson, Certified Shorthand
5 Reporter, do hereby certify:

6

7 That the foregoing proceeding was taken by me at
8 the time and place therein named; and

9

10 That the same was taken in shorthand and thereafter
11 transcribed into typewritten transcription.

12

13 I further certify that I am a disinterested party
14 to said action and in no way interested in the outcome
15 thereof no connected or related to any of the parties
16 thereto.

17

18 IN WITNESS WHEREOF, I have hereunto set my hand and
19 affix my official seal of office this 27th day of 1994

20

21

22

23

24

25

Jill Anne Stephenson

CLARK REPORTING

THE RESTORATION ADVISORY BOARD MEETING

CERTIFIED COPY

TUESDAY, OCTOBER 11, 1994

HELD AT

FORT MASON G.G.N.R.A HEADQUARTERS

SAN FRANCISCO, CALIFORNIA

7:00 P.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BY THERESA A. DARNELL CSR 9966

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GREG BRIDGESTOCK
JOHN BUCK
DEXTER CHAN
ROMY FUENTES
HEIDI GEWERTZ
JOAN GIRARDOT
MICHAEL HEALY
BENNETT HORENSTEIN
DOUG KERN
WILLIAM LEE
SOL LEVINE
ANDREW LOLLI
BRUCE MCKLERDY
HELEN MARTE-BAUTISTA
JUAN MONAGHAN
WILLIAM LEE/SCOTT NAKAMURA
PETER O'HARA
ROBERT REINHARD
ARNOLD ROSSI
LARRY STUHL MILLER
BURNETT SUMNER
LYNN SUER
ELLIS WALLENBERG
MARTHA WALTERS
DAVID WILKINS
MICHAEL WORK

---oOo---

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PROCEEDINGS 7:17 p.m.

FACILITATOR KERN: I'm just going to quickly review the beginning of the meeting for the court reporter's benefit. We've opened the meeting; we've approved the minutes, or the agenda; and Brad Call of the Corps Of Engineers will be giving a presentation on Building 1349 site investigation; and Nina Kannatt is sitting in for David Wilkins for the Army tonight; Bennett Horenstein opened the meeting as Community -- acting Community Co-Chair.

MR. CALL: I've already introduced myself, but I'll just once again say my name is Brad Call. I'm an environmental engineer with the Corps Of Engineers in Sacramento; I work with Greg Bridgestock and Roger Henderson.

Our presentation this evening is intended to give you an overview of the activities that have taken place at the Building 1349 site, and as such, we hope that you'll find it very useful as you begin to study the documentation associated with this site. I would ask, if possible, if you would hold your questions until the end of the presentation; that would allow us to speed things along a little bit quicker.

I know that you're all very well acquainted

with the Presidio. Allow me to show you where the -- or just remind you where the Building 1349 site is. This is a map of the Presidio. North would be towards the top here; Building 1349 is located on the western side of the Presidio. The next slide I'll show you shows this site in a little greater detail. You will find this same map in your handout. This came out a little light. You might find it a little more useful to look at your handout. But once again, to orient you, north is to the top here. Here's Lincoln Boulevard; here's Washington Boulevard; the World War II Memorial is in this location over here; and our site, Building 1349 is located here.

I have some photos to show you of the site; but before going into those, I'd first like to just acquaint you with some of the features that you see at this site. The most prominent feature here is a 100,000 gallon above-ground storage tank that resides within a concrete containment structure. We've already discussed where the site's located. The site also contains a very small fuel dispensing structure, or island you might call it. There is an area of stained soil, which is located between the above-ground storage tank and Washington Boulevard. The site is surrounded by dense vegetation to include Monterey Pines and Eucalyptus trees; and I will also note that there is some sensitive habitat, manzanita,

1 located about 500 feet west of the site.

2 BOARDMEMBER BALL: Could you define what
3 stained soil means? I mean, is that oil?

4 MR. CALL: That would be a darkened soil,
5 where evidently something has impacted the soil.

6 BOARDMEMBER HORENSTEIN: But you haven't
7 determined what it is?

8 MR. CALL: Well, actually, we have. We know
9 it's a petroleum hydrocarbon, but it's kind of stealing my
10 thunder, but jump right in. This will be a little more
11 clear; I have some photos to show you, so let's go right
12 into those photos.

13 This first photo is looking east towards the
14 above-ground storage tank, which unfortunately is painted
15 green, so it has a tendency to blend into the vegetation a
16 little bit. But the outlines of it are approximately up
17 to here. You can see that it's surrounded by a chain-link
18 fence. You'll notice this little structure here is the
19 fuel dispensing island; and you'll also notice some tree
20 stumps; this is the gully that I was just referring to,
21 where the soil staining was, and this, right here, is a
22 utility access; this is Washington Boulevard right here.

23 This next photo shows a close-up of the
24 above-ground storage tank and of the concrete containment
25 structure around it.

1 This next photo is a close-up of the fuel
2 dispensing island. In the background is the above-ground
3 storage tank; and the gully, once again, is in this area.

4 This next photo just shows the dense
5 vegetation that surrounds this particular site. The
6 above-ground storage tank would be located just out of
7 your view there on the left.

8 This photo is directly looking on that gully,
9 and it's difficult to see the soil staining here. This is
10 shadows from trees; that's not the staining. If you were
11 actually there, you could probably discern the staining in
12 the soil. You can see the above-ground storage tank in
13 the background; Washington Boulevard approximately right
14 here; and the utility access right there.

15 This is a picture of those tree stumps that I
16 was showing you earlier. You can see that the edges of
17 the stumps are darkened. Presumably the trees were
18 picking up the contamination from the soil, and that's
19 what killed those trees. In the background here, you can
20 see the fuel dispensing structure, or island.

21 This photo shows a tree that is still alive,
22 although it is showing that it perhaps too has been
23 picking up some of the contamination, and has resulted in
24 this dark staining along one side of the tree. In the
25 background, you'll see the above-ground storage tank.

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1 And that's it for the photographs.

2 BOARDMEMBER CHAN: Is the manzanita on the
3 other side of Washington Boulevard then?

4 MR. CALL: Yes, the manzanita would be well
5 on the other side the Washington Boulevard to the west.

6 We'll next go into a little bit of the
7 history on this site.

8 There was a tank originally built here in
9 1908, and that tank was part of the heating-fuel
10 distribution system. The heating fuel from this point was
11 gravity-fed to the rest of the Presidio. The original
12 tank, however, was removed and replaced by the tank that
13 we see there today. The tank that we see there today was
14 installed in the 1950s, and was for the purpose of storing
15 diesel fuel. Reportedly fuel trucks would be -- would
16 receive their loaded fuel there, from a fuel dispensing
17 island. And the diesel refueling operation ceased
18 sometime in the 1970s.

19 Personnel from the base noticed the stained
20 soil in the gully, and probably also the discolored trees,
21 in 1992. The Presidio, at that time, requested that the
22 Corps Of Engineers conduct a site investigation. Shortly
23 after that, the tank was emptied of the diesel fuel and
24 was cleaned; that took place in 1993. And the
25 investigation, Phase I of the investigation began in

1 August of 1993.

2 AUDIENCE MEMBER: Do you know what the
3 capacity of the original tank was?

4 MR. CALL: No, I do not. Hugh, do you know
5 that?

6 MR. WONG: No, I don't, but we can find out.

7 MR. CALL: Before I go any further, I'd like
8 to introduce Hugh Wong. Hugh is with Montgomery Watson,
9 and he is the project manager for this site and a number
10 of other sites here on the Presidio.

11 BOARDMEMBER FUENTES: Could you locate on the
12 map the pumping station for the fuel distribution line?

13 MR. CALL: Pumping station?

14 MR. FUENTES: Yeah, because you said that the
15 tank is linked to a fuel distribution line, and it's way
16 up in the hill, and then the rest of the pipes are like
17 gravity filled.

18 MR. CALL: The original tank that was there
19 was part of the fuel distribution system, and was
20 connected to that system. This tank, however, was
21 purpose-built for the storage of diesel fuel, and was
22 connected to the fuel dispensing island that we saw there
23 in the photo.

24 MR. FUENTES: Where was the storage --

25 MR. WONG: If you turn back to the very first

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8

1 | slide you have, maybe I can try to explain the operation
2 | of the fuel distribution system.

3 | Historically barges would park over here at
4 | the pier and the fuel oil would be pumped from the barge
5 | to an above-ground tank here, the 900 series building;
6 | from this above-ground tank, the fuel oil is further
7 | pumped to this above-ground tank, to Building 1349; and
8 | then from 1349, there is a matter of fuel distribution
9 | pipelines that branch out to the rest of the base.

10 | So the pump station -- if that what you're
11 | asking -- is actually in the 900 series building.

12 | BOARDMEMBER CHAN: Do we know the frequency
13 | in which they refilled the tank?

14 | MR. WONG: I do not know.

15 | BOARDMEMBER HORENSTEIN: Those lines still
16 | exist?

17 | MR. CALL: Yes.

18 | BOARDMEMBER STUHL MILLER: And that's part of
19 | the clean-up?

20 | MR. CALL: Yes, and that's a separate topic.
21 | But yes, that's part of the underground storage tank
22 | related activities -- fuel distribution activities.

23 | BOARDMEMBER BALL: So another question; it
24 | says that it ceased operation in the 70s. Does that mean
25 | that after the 70s, there was no fuel at all in those

1 | tanks, so presumably --

2 | MR. CALL: No, that's not correct. I believe
3 | that when they stopped operation of the tank, there was
4 | some residual fuel in the tank; that they just abandoned
5 | the tank, and it wasn't removed until 1993.

6 | BOARDMEMBER BALL: But any activity, or any
7 | spills that occurred prior to the 70s -- or could spills
8 | have happened in the 70s? I'm just trying to get an idea
9 | of when these spills took place.

10 | MR. CALL: I don't know if it's possible to
11 | define the exact time when they took place.

12 | FACILITATOR KERN: I'm going to ask that --
13 | Brad suggested that we hold the questions, so if you could
14 | please write down your questions, we'll try to handle
15 | those at the end.

16 | MR. CALL: All right. You're probably
17 | wondering -- in fact, we've already had some questions on
18 | how the work at this particular site relates to the
19 | overall investigation here at the Presidio.

20 | As we've already mentioned, in 1992 the soil
21 | staining was originally noticed at our site. At that
22 | time, we requested that the Corps Of Engineers conduct an
23 | investigation. The Corps Of Engineers retained Montgomery
24 | Watson to investigate this site. This investigation is
25 | being conducted concurrently with other underground

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1 | storage tanks and fuel distribution system sites as part
2 | of the facility-wide activities here. And as you are all
3 | aware, all underground storage tank related studies and
4 | restoration activities are being conducted in accordance
5 | with the State of California Underground Storage
6 | regulations.

7 | BOARDMEMBER HORENSTEIN: What agency has
8 | regulatory oversight on these activities?

9 | MR. CALL: It's normally under county
10 | jurisdiction. I think the jurisdiction actually
11 | originates with the Water Board, and then depending on the
12 | severity of the site, they delegate with the county.

13 | BOARDMEMBER LEE: San Francisco Health
14 | Department oversees the testing and the removal, and the
15 | Army pays for it.

16 | MR. CALL: The objectives of the
17 | investigation are as shown here. Of course, we are trying
18 | to determine what the contamination consists of; we're
19 | also trying to define the vertical and horizontal extent
20 | of the contamination; we wanted to better understand the
21 | geology and type of geology of the site so we could better
22 | understand where the contaminants might be migrating to;
23 | we were also interested in investigating the possible
24 | remediation strategies to clean up the site.

25 | Phase I of the investigation, as I mentioned

1 | before, was conducted in August of 1993. It included 14
2 | soil borings, and one groundwater grab sample was
3 | collected from one of those soil borings.

4 | This map I'm coming up to shows the -- once
5 | again, our site; this is the above-ground storage tank;
6 | this would be outlines of the concrete containment
7 | structure; here's Washington Boulevard; the black dots
8 | show the soil boring locations for Phase I.

9 | These circles with the cross hairs on them
10 | show the Phase II soil boring locations; and Phase II was
11 | conducted in February of 1994. It included eight soil
12 | borings, and one groundwater grab sample was collected at
13 | that time as well.

14 | BOARDMEMBER CHAN: Where is the fuel
15 | dispensing house on that?

16 | MR. CALL: The fuel dispensing house would be
17 | located right here. The gully that we've been referring
18 | to is located right along here. The trees that were
19 | showing the impact were located in this area as well.

20 | BOARDMEMBER CHAN: Okay.

21 | MR. CALL: I'll also mention at this time
22 | that a seismic reflection study was initiated in July of
23 | this year. This particular study was not part of the
24 | original investigation. More on that in a little bit.

25 | The results of the investigation to date in

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1| regards to the geology have told us that the overlying
2| soil consists of clay silts, fine gravels, with some
3| occasional clay lenses; the bedrock has been found to
4| consist of sandstone and serpentinite (phonetic), which
5| has been identified as belonging to the Franciscan
6| formation; the bedrock lies at a depth of approximately 30
7| to 40 feet below the ground surface.

8| Groundwater was encountered at depths of
9| 35 to 40 feet during both phases; however, I should
10| mention that we're not certain at this time if that was
11| perched groundwater that we encountered, or if that's the
12| true water table.

13| BOARDMEMBER HORENSTEIN: Perched being?

14| MR. CALL: Perched groundwater would be a
15| small quantity of groundwater that has somehow encountered
16| a soil deriment that is impeding it down with migration
17| so that it's accumulated in a location, but it does not
18| represent an aquifer.

19| The results of the investigation to date
20| indicate that contamination consists of heating fuel
21| and/or diesel, and we commonly refer to these as petroleum
22| hydrocarbons.

23| At this time, there's no evidence of any
24| metals contamination at the site.

25| There appear to be two possible sources of

1| contamination. One would be a surface spill associated
2| with this gully. The second possible source of
3| contamination would be the piping that lies between the
4| above-ground storage tank and the fuel dispensing island;
5| and that piping runs along this general area.

6| BOARDMEMBER CHAN: Above-ground piping?

7| MR. CALL: Part of it's above-ground and part
8| of it was underground.

9| This slide shows, once again, a plan view of
10| the site. Here's the above-ground storage tank; here's
11| the outline of the concrete containment structure; here's
12| Washington Boulevard; here's the fuel dispensing island;
13| this is showing us the concentrations of the petroleum
14| hydrocarbons. The highest concentration is located in
15| this area here, with decreasing concentrations as we move
16| away from this area.

17| This contour represents our estimate of where
18| the 10,000 parts per million limit will be. This
19| outermost contour represents the 100 parts per million
20| contour.

21| BOARDMEMBER BALL: Of?

22| MR. CALL: Petroleum hydrocarbons. Fuel,
23| diesel fuel, heating fuel.

24| You'll notice that the contamination extends
25| under Washington Boulevard. We also have a cross-section

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1| through the site. This cross-section I'm about to show
2| you goes through the site like this. We are now looking
3| towards the north; this would be the east; this direction
4| would be to the west. Here's a cross-section through the
5| above-ground storage tank; here's a cross-section through
6| Washington Boulevard; and from here down would be a
7| cross-section through the soil. What this is showing us
8| would be, once again, contours of contaminant
9| concentration, in this case petroleum hydrocarbons; this
10| is 5000 parts per million; this would be 100 parts per
11| million down here. This is showing us that the highest
12| concentrations of the contaminants are near the surface at
13| this site.

14| BOARDMEMBER HORENSTEIN: How far down --

15| MR. CALL: This goes down to approximately 40
16| feet.

17| BOARDMEMBER BAXTER: Where's the Franciscan
18| and where's the soil?

19| MR. CALL: The Franciscan formation is from
20| approximately 30 to 40 feet, and we don't have an accurate
21| profile of it at this time.

22| BOARDMEMBER BAXTER: So that's all in regular
23| soil?

24| MR. CALL: Yes.

25| BOARDMEMBER BAXTER: Okay.

15

1| BOARDMEMBER CHAN: Do you know when
2| Washington Boulevard was constructed?

3| MR. CALL: No, I don't.

4| BOARDMEMBER CHAN: Okay.

5| BOARDMEMBER BALL: Was that 100 ppm like a
6| groundwater concentration, you're talking about?

7| MR. CALL: No. These are all concentrations
8| in the soil, or milligrams per kilograms. Normally people
9| refer to it as parts per million.

10| We understand that there's still unanswered
11| questions at this site, and to answer those questions,
12| we've proposed some additional investigation. The first
13| is the seismic reflection survey that I've already
14| mentioned, and that was conducted to determine the depth
15| of the bedrock, as well as the bedrock surface profile.
16| We were also hoping to learn something of the nature of
17| fractures in the bedrock with this study.

18| We're also proposing to advance some
19| additional deep soil borings in the area to better
20| characterize the hydrogeology. If we encounter aquifer,
21| those deep soil borings will be converted into monitoring
22| wells.

23| Those deep soil borings are also going to
24| allow us to perhaps verify some of the -- if the seismic
25| reflection survey indicates that there's any fractures, we

1 can correlate other borings with those fractures and
2 determine whether or not we're actually looking at a
3 potential preferential pathway for contaminate movement at
4 this site.

5 BOARDMEMBER BAXTER: This is planned?

6 MR. CALL: This is all proposed, except for
7 the -- well, the seismic reflection study is in process,
8 but --

9 BOARDMEMBER FUENTES: I have a question.
10 Landfill 5 is about maybe less than 300 feet south of the
11 site. Is there any proposal to study the relationship or

12 the migration pattern of petroleum migrating to Landfill 5?
13 MR. CALL: At this time, no. But if it was
14 determined that there was contaminate movement in that
15 direction, then I'm certain it would be considered.

16 BOARDMEMBER FUENTES: But it hasn't been
17 considered right now?

18 MR. CALL: To my knowledge, no.

19 BOARDMEMBER HORENSTEIN: What does proposed
20 mean? From who to who?

21 MR. CALL: Proposed -- what specifically?

22 BOARDMEMBER HORENSTEIN: Who's proposing it
23 to who?

24 MR. CALL: It would be our proposal to the
25 Park Service, that this is how we proceed for the initial

1 investigation, and it would go through the standard
2 process of review and revision.

3 BOARDMEMBER BLANK: And it's a proposal to
4 the regulators?

5 MR. CALL: Of course. Of course. That's
6 always the case.

7 BOARDMEMBER BLANK: To Water Quality Control
8 Board and Regional --

9 MR. CALL: Exactly. Always. Thank you.

10 Although we have not completed our investigation of the
11 site, we're already thinking in terms of some remedial

12 activity. Our first phase would be to try to remove the
13 source of the contamination to prevent its further

14 movement. I will mention that cultural resources,
15 existing utilities and sensitive plants and animals will

16 all be identified and safeguarded prior to any remedial
17 activities at the site. The Phase I remedial

18 activities would consist of removing the above-ground

19 storage tank; removing the fuel dispensing island;

20 removing the associated piping; and it would also include

21 removing as much of the contaminated soil as we could

22 remove without undermining Washington Boulevard and the
23 adjacent utilities.

24 MR. MILLER: Was there a leak test done on
25 the piping and on the tank?

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18

1 MR. CALL: I don't know that. Hugh, do you
2 know?

3 MR. WONG: No, not that I'm aware of.

4 BOARDMEMBER CHAN: Do you know the
5 approximate square footage of the soil that's contaminated
6 that you might be removing?

7 MR. CALL: No, I don't. That's something
8 actually that we could calculate. It could quite easily
9 be calculated, but I don't know that that calculation has
10 yet been done.

11 BOARDMEMBER CHAN: All right.

12 MR. CALL: After completing the Phase I
13 remedial action, we would then review the success of that
14 remedial action, and also review all investigative data
15 that we've collected to date, and we would come to a
16 recommendation as to whether or not any additional
17 remedial activity was necessary.

18 If it was determined that it was, we would
19 work with the Park Service to ensure that our proposed
20 remedial activity -- Phase II activity would be consistent
21 with their future use of the site. We would give
22 preferential consideration to insitu-type remedial
23 technology, such as bioventing; because it's our
24 understanding that such technologies are more consistent
25 with the Park Service's concept of sustainability and

1 cleaning the site up at the actual location of
2 contamination, rather than hauling the contaminants off to
3 a remote location or perhaps even a landfill.

4 BOARDMEMBER LEE: What do you mean by
5 bioventing?

6 MR. CALL: Bioventing is a method of a
7 allowing increased air circulation into the soil, thus
8 allowing micropial organisms to get at the contaminants
9 and to consume them as food even quicker than they
10 normally do. And when we say bioventing, it's purely a
11 proposal at this point. But this would be just an example
12 of the sort of thing we would consider.

13 And now to kind of sum things up, we have
14 gathered a lot of very good data at this site. We feel
15 that we understand it quite well, however, there are some
16 gaps in our knowledge. One of those gaps is that the
17 geology and perhaps extent of contamination and depth are
18 not completely understood at this time; and that's a
19 result of poor sample recovery during the previous two
20 phases of the investigation.

21 The next phase of the investigation that we
22 propose to do will make use of a drilling technology that
23 will be better suited to the collection of those samples
24 and depths.

25 As I mentioned before, a seismic reflection

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20

1 study is in progress. I should mention that we've had an
2 opportunity to look at some of the preliminary data of
3 that study, and unfortunately, it's not of as high a
4 quality as we were hoping, and thus, we will not be able
5 to glean as much information on the subsurface as we were
6 hoping to. However, what information we are able to
7 obtain from that study will be incorporated into the final
8 site investigation report, which is due later this month.

9 AUDIENCE MEMBER: Is that the final final, or
10 is that a draft?

11 MR. CALL: I believe it's being considered a
12 final. I could be wrong, but -- Hugh, do you know? It's
13 the final, right?

14 MR. WONG: It's a final. For this project,
15 there's a draft which was submitted, I believe in June, a
16 final; that is still due out later this month.

17 BOARDMEMBER O'HARA: What were the results of
18 your findings in the two water samples that you took?

19 MR. CALL: I can go into that in just a
20 second. I have a slide that I can show you on that, if
21 you could wait just a second.

22 And the last thing I'd like to mention here
23 is a -- as I mentioned before, the site's hydrogeology is
24 not completely understood at this point; however, the next
25 phase of the investigation is focused on obtaining that

1 type of data.

2 BOARDMEMBER HORENSTEIN: Poor sample
3 recovery, what does that mean?

4 MR. CALL: That means that -- when you're
5 using a drill rig, and you're using some sort of sampling
6 apparatus, you don't always recover all the material that
7 the sampler should collect. When you're dealing with a
8 rock-type of material, it takes a different type of
9 technology than it does to collect a soil or
10 unconsolidated type of material.

11 BOARDMEMBER HORENSTEIN: It's actually the
12 physical sample recovery; nothing to do with analysis or
13 anything?

14 MR. CALL: No. It's just physically being
15 able to get the sample up out of the bore hole.

16 MR. MILLER: I think you mentioned that there
17 were two locations for groundwater. Is that two --

18 MR. CALL: Grab samples.

19 MR. MILLER: -- locations where there was
20 groundwater?

21 MR. CALL: Yes.

22 MR. MILLER: And you said that the
23 hydrogeology is incomplete at this point?

24 MR. CALL: Yes.

25 MR. MILLER: Is there evidence of a dry well

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1 at depths below the location -- a depth below recovered
2 water at some of the two grab samples? Were there wells
3 that were drilled below the depths of the soil
4 elevation --

5 MR. CALL: Were there soil borings that were
6 advanced to depths greater than where we encountered the
7 groundwater?

8 MR. MILLER: Yes, but which were dry?

9 MR. CALL: Hugh, do you know the answer to
10 that?

11 MR. WONG: I believe there were a couple
12 of soil samples that were the same depth, and they are
13 dry, and they are at different locations.

14 MR. MILLER: You mentioned that you weren't
15 sure if it was perched groundwater, and I was just trying
16 to determine by listening to you whether that's evidence
17 one way or the other.

18 MR. CALL: No, I don't think it's really
19 possible to come to a conclusion on that at this time.

20 This slide shows the two groundwater grab
21 samples that were collected during the two phases of the
22 investigation to date; and showing for these various
23 analytes, what we were getting.

24 For the first -- August 1993 event, there was
25 one rather low detection of an unknown hydrocarbon, or

1 petroleum hydrocarbon. During the February 1994
2 investigative phase, you can see that there was a
3 much higher concentration of diesel fuel detected, and
4 also a small quantity of xylene detected. These are in
5 parts per million.

6 BOARDMEMBER O'HARA: What is -- of the
7 quantities that are here, what can be expected to exist in
8 the soil naturally? None?

9 MR. CALL: Normally none.

10 BOARDMEMBER O'HARA: So it has migrated to
11 that water table, or whatever --

12 MR. CALL: Exactly. Perched groundwater, or
13 whatever it is. Question.

14 BOARDMEMBER GIRARDOT: Can I ask you how a
15 seismic reflection study is done?

16 MR. CALL: It's -- let's see. It would be
17 similar to -- you might think in terms of radar. We're
18 using something to impart energy into the soil; and then
19 there are sensors placed at certain intervals, and those
20 sensors detect the reflected energy; and by analyzing the
21 time in which that energy reaches the receivers, you can
22 generate a map or a profile of the subsurface. And it's a
23 very complex technology, and to really explain it to you

24 well would take someone who's very --

25 BOARDMEMBER GIRARDOT: If this Franciscan

1 rock formation exists at a level about 40 feet below the
2 surface, are you going down beyond that --

3 MR. CALL: Yes, we're going to try to get
4 well into that; drill well into that, and try to get to an
5 aquifer if it exists. Question.

6 BOARDMEMBER BAXTER: Water concentrations are
7 normally given in ppb in any of the documents. Would you
8 convert that --

9 MR. CALL: To convert this to parts per
10 billion, we would move the decimal place three positions
11 to the right.

12 BOARDMEMBER BAXTER: Right. So the 110 is
13 11,000.

14 BOARDMEMBER ROSSI: What is the elevation of
15 Building 1349?

16 MR. CALL: The topographical elevation, I
17 think it's something over 300 feet. It's quite high.

18 BOARDMEMBER ROSSI: That's what I thought.

19 MR. CALL: Question.

20 BOARDMEMBER HORENSTEIN: How do the levels
21 found in the soil compare with regulatory limits?

22 MR. CALL: Regulatory limits?

23 BOARDMEMBER HORENSTEIN: As to how clean is
24 clean. When you're looking at these levels found, how's
25 that --

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1 MR. CALL: I don't believe any clean-up --
2 any regulatory levels have yet been established. But in
3 many places throughout California, 100 parts per million
4 is a ball park figure that's often used.

5 BOARDMEMBER HORENSTEIN: For soil
6 contamination?

7 MR. CALL: For soil contamination.

8 BOARDMEMBER HORENSTEIN: So 59,000 --

9 MR. CALL: Petroleum hydrocarbons.

10 BOARDMEMBER HORENSTEIN: For petroleum
11 hydro -- so 59,000 is a significant number?

12 MR. CALL: Yes. Question.

13 MR. MILLER: Is there going to be a work plan
14 or a proposal -- or I guess work done through additional
15 investigations that we can --

16 MR. CALL: Either a technical memorandum or
17 work plan, something along those lines.

18 MR. MILLER: When is that scheduled to be --

19 MR. CALL: Just off the top of my head, I am
20 not certain. I'd have to get back to you.

21 MR. WONG: I think sometime in November.

22 BOARDMEMBER LEE: I don't understand the
23 results. How can you get a -- I can see why you get a
24 no-detect to a 110,000, because either -- you know, the
25 flow is beginning to move to your margin. But to get that

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1 hydrocarbon and have nothing else -- to get a non-detect
2 surprises me.

3 MR. CALL: Well, keep in mind that these are
4 not for monitoring wells; these are grab samples from soil
5 borings. So these are --

6 BOARDMEMBER BAXTER: Different locations?

7 MR. CALL: Different locations. These are
8 not monitoring wells. This is not monitoring well data.
9 This is not good quality data that anyone would base any
10 sort of decisions on.

11 BOARDMEMBER FUENTES: How about the test
12 method; did you change the test method between August and
13 February?

14 MR. CALL: No, with the exception that metals
15 were being tested for during that phase of the
16 investigation, and they were not being tested during this
17 phase of the investigation.

18 BOARDMEMBER HORENSTEIN: Is the unknown
19 hydrocarbon the same unknown whatever peak, GC peak on the
20 groundwater as in the soil; and how are you going to find
21 what that unknown hydrocarbon is?

22 MR. CALL: Well that's a very technical
23 question, and it probably -- it would be difficult really
24 to answer that with any sort of precision. The
25 interpretation of the chromatographs -- it might be

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1 possible to better define what it is. I think the initial
2 interpretation is that it's some sort of heating fuel or
3 weathers diesel.

4 FACILITATOR KERN: Brad, just for planning
5 purposes, I'd like to ask how long the rest of your plan
6 presentation was going to be?

7 MR. CALL: Actually, I have completed the
8 plan portion of the presentation, and I'm just going to
9 respond to questions.

10 FACILITATOR KERN: Okay.

11 MR. CALL: Yes.

12 BOARDMEMBER ROSSI: Follow-up. If the
13 concern here is contamination in water --

14 MR. CALL: We don't know yet if it's there,
15 but we're concerned that it might exist and are going --

16 BOARDMEMBER ROSSI: I'm not saying it's
17 contaminated, but I mean the reason we are concerned,
18 because water may be contaminated?

19 MR. CALL: Yes.

20 BOARDMEMBER ROSSI: And I asked you the
21 elevation; you said 300 feet; but then I go back to my
22 question, and I want to make clear that I understand your
23 terminology. You said that your hydrogeology is poorly
24 understood in the complete sense; or is it not completed
25 yet, but what you have completed you understand clearly?

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1 I mean, I don't know what you got; or the
2 entire hydrogeology is poorly understood, therefore I can
3 conclude that you don't know how the water is going to
4 flow and whether it's contaminated going to go to, so from
5 300 feet down to sea level is a long way to go and you've
6 only penetrated 40 feet.

7 MR. CALL: I would just say as a generalized
8 statement that the hydrogeology, or the groundwater regime
9 is not well understood.

10 BOARDMEMBER ROSSI: But then you said you're
11 going to conduct more tests of some kind to complete the
12 hydrogeology, I heard you say.

13 MR. CALL: If I did say that, I intended to
14 say to begin to define the hydrogeology; to define the
15 aquifers; to define the groundwater elevation and
16 gradient, and to define whether or not we have truly
17 impacted the groundwater.

18 MR. MILLER: I noticed that you sampled for
19 TPH -- total hydrocarbon that has diesel. My
20 understanding of that is that you looked for that fraction
21 of the -- all petroleum hydrocarbons in the diesel range
22 of the carbon chain.

23 MR. CALL: Yes.

24 MR. MILLER: So then the unknown, I imagine,
25 would be those portions or -- the carbon chains, either of

1 shorter length or longer length.

2 MR. CALL: No, that's not correct. With 8015
3 modified -- which is what you're talking about -- you're
4 actually -- you're looking at a specific carbon range, but
5 you're also looking for a pattern in the chromatograph.

6 MR. MILLER: So it's a substantive of the
7 carbon range? Not only do you look at a certain range --
8 we're not just talking about carbon change levels -- for
9 those of you interested -- is that all these petroleum
10 constituents have 1X carbon to the Y, and a bunch of
11 things off to the sides of the carbon -- that's the core
12 of the whole thing; and when they mention diesel, they're
13 saying, "Uh-uh, not only does it have a certex (phonetic)
14 of say ten carbons in the line to 15 carbons in line," or
15 something like that, "but it also has certain other
16 characteristic peaks"; in other words, results on a
17 spectrum.

18 The reason I'm asking the question is because
19 I'm trying to see why there was not just a straightforward
20 hydrocarbon test done for it, because to characterize
21 petroleum from whatever source, whether it's diesel,
22 gasoline, heating oil or anything, whether -- I know that
23 one of the slides you showed, it was -- again, I'm putting
24 a lot of comments and questions in this -- but what I'm
25 trying to get at is: The soil testing results, for

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1 instance, there's a 1740 milligrams per kilograms diesel,
2 plus 2800 milligrams per kilogram unknown, and I'm just
3 wondering if you add those two up, you get what I would
4 call total hydrocarbons across the board.

5 MR. CALL: No, you can't use 8015 like that.
6 Unfortunately, you can't.

7 Just so everyone -- just in case anyone's
8 curious as to what he's talking about; this is one of the
9 chromatographs, and to just give you an idea of how
10 technical and perhaps complicated it is to try to
11 determine what it is you're actually looking at. The
12 chemists have to interpret these things. They're looking
13 for specific patterns in these peaks in order to try to
14 determine whether we're looking at a diesel product or a
15 gasoline product, or heating fuel product, or what have
16 you.

17 MR. MILLER: May I follow that up? What I'm
18 really getting at: Why wasn't there one done just of all
19 petroleum hydrocarbons so that we could get a clean
20 number? Do you know why that particular measure was used?

21 MR. WONG: To answer your question, that is
22 the approach that will be taken for the future
23 investigations. We started this investigation until we
24 crossed the standard type of analysis that typically would
25 be analyzed for, which is TPH test diesel. And what

1 happened in the lab is -- whenever the lab sees a
2 (inaudible), they would not quantify as diesel; instead
3 they would report it as a non.

4 So what this means in the lab report is
5 either we reported as TPH diesel, or it is reported as TPH
6 unknown. And that's why you're seeing in these overheads
7 that you have two numbers.

8 MR. MILLER: Okay. So for the second -- for
9 the next phase of the investigation, you're using the
10 general TPH?

11 MR. WONG: Yeah, for the next phase, we're
12 still using 8015, and we'll be calling it TPH (inaudible)
13 and we'll quantify the TPH of the wider range of carbon
14 petroleum hydrocarbon with eight carbon chains to see 30
15 million.

16 MR. CALL: And I'll just mention -- just a
17 brief word for what Hugh just mentioned; when we're
18 dealing with a heating fuel-type product, the use of 8015
19 modified for diesel was a standard investigative type
20 method found in triregional guidance, for example.

21 Question.

22 BOARDMEMBER CHAN: Point of clarification;
23 does that GC profile change over time, given the product's
24 age?

25 MR. CALL: Yes, it most certainly does; it

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1 changes quite a bit.

2 BOARDMEMBER CHAN: So do you figure out what
3 the product would have been -- how do you figure out what
4 the weathering characteristics --

5 MR. CALL: That's a very specialized field to
6 try to chromatographically fingerprint a weathered
7 product.

8 MR. CHAN: Right, because if you're trying to
9 figure out diesel, but it's been over the course of
10 several decades, you won't see the characteristics -- it
11 might have been diesel to begin with, right?

12 MR. CALL: Sometimes you can tell; sometimes
13 you can't. It's --

14 MR. CHAN: Okay.

15 BOARDMEMBER BALL: It always helps to have a
16 sample of the original contaminate.

17 I'd like to commend you on your presentation.
18 You were very informative.

19 Do you have a dollar sign what you're talking
20 about?

21 MR. CALL: Actually, we do have some very
22 preliminary cost estimates, but --

23 MR. WONG: The estimate for the soils
24 removal, for removing the tank, the piping associated with
25 the tank, it's estimated at around 130,000.

1 MR. CALL: But I emphasize that that's just
2 a very, very rough estimate at this point.

3 BOARDMEMBER HORENSTEIN: We won't hold you to
4 it.

5 BOARDMEMBER ROSSI: What did you say?
6 130,000 per what?

7 MR. WONG: 130,000 to remove the tank, as
8 well as removing some of the surface contaminated soil,
9 and partial excavation of the soil in the area.

10 BOARDMEMBER ROSSI: At Building 1349?

11 MR. WONG: Yes.

12 BOARDMEMBER BAXTER: Could you maybe give
13 people a sense of how big of a stained area we've been
14 talking about, just pointing out; your best guess at the
15 moment how much dirt and soil would be --

16 MR. CALL: Just stained soil on the ground?

17 BOARDMEMBER BAXTER: What you think you're
18 going to remove.

19 MR. CALL: Oh, the removal area.

20 BOARDMEMBER BAXTER: Which would include
21 that, right?

22 MR. CALL: Oh, you might think of it as the
23 area encompassed by these tables; perhaps a little greater
24 than that, a little larger than that.

25 BOARDMEMBER BAXTER: And that's down to a

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1 depth of 30 feet? Or less?

2 MR. CALL: We would typically not excavate to
3 that depth, due to the difficulty in excavating with
4 standard construction equipment. We normally don't go
5 much deeper than 15 to 20 feet. But if the circumstances
6 require it, special equipment could be brought in, or
7 other measures taken in order to allow us to go deeper.

8 BOARDMEMBER BAXTER: Would this contaminated
9 soil area include the area of the dead trees and stuff, or
10 would that be even bigger?

11 MR. CALL: It would probably be somewhat
12 larger. But you have to keep in mind that we have some --
13 we have a roadway in the way; we have some utilities, and
14 that's all going to modify the graphs -- the amount of
15 excavated soil.

16 BOARDMEMBER HORENSTEIN: So your plan is to
17 remove -- tentatively -- the heavily contaminated area
18 that's easily accessed --

19 MR. CALL: Exactly.

20 BOARDMEMBER HORENSTEIN: -- and then some type
21 of insitu bioremediation --

22 MR. CALL: That would be one possible
23 strategy. But we would be working with the Park Service
24 to find out how they would like us to try to handle the
25 situation. They may have some other ideas on that.

1 BOARDMEMBER FUENTES: So what caused the
2 release? Was it the old tank, or the present tank right
3 now, or the associated piping? Because I can see the
4 contours; it's kind of far away from the tank.

5 MR. CALL: Well, I don't know if it's
6 possible to know definitively. My personal opinion is
7 that the contamination you see here is probably associated
8 not with the original tank, but with the tank that we see
9 here today, and probably it's associated with this piping
10 that connects this above-ground storage tank with the fuel
11 dispensing island. That is my personal opinion.

12 BOARDMEMBER BAXTER: Did you find any TPH
13 detected at any place other than where you have the circle
14 in the soils?

15 MR. WONG: We do have TPH detected in areas
16 outside of this, but they would be concentrations much
17 lower, like 10 ppm.

18 BOARDMEMBER LEE: Did you test for PCB's at
19 all?

20 MR. WONG: No.

21 BOARDMEMBER LEE: Any reason why not?

22 MR. WONG: We have no reason to believe there
23 was any PCB's on the sites.

24 BOARDMEMBER LEE: Because in the old days,
25 the Army used to pour it into these old tanks for storage.

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1 I don't know if you have any records on that or not,
2 but --
3 MR. CALL: As far as we know, this tank was
4 used for storage of diesel fuel and they were not pouring
5 any sort of excessive waste products in there, as far as
6 we know.

7 MR. MILLER: Two questions. One is a
8 follow-up on that, on Bill's question; that is: What
9 sources -- what materials did you have to get a sense of
10 the history of the area, in terms of 1080, for instance?

11 And secondly -- I'll just ask the second
12 one in particular, and then I'll get back to the first.
13 The second one is: Does anyone know what the intended
14 land use of the area say around Building 1349 is?
15 Maybe the Park Service can --

16 MR. CALL: In regard to the historical
17 information available on the site, it's very limited.
18 I think there were several employees that were able to
19 provide some insight.

20 MR. WONG: Actually, it was taken off from a
21 survey that done as part of the transfer of the base from
22 the Army to the Park Service, so there was a study that
23 has been done to restore all the buildings, that was
24 survey.

25 MR. MILLER: Base line survey?

1 MR. WONG: Uh-huh.
2 MR. MILLER: And do you know who the
3 interviewees were, or was that Presidio personnel?
4 MR. CALL: Facilities personnel presumably.
5 Hugh may have their names.
6 MR. WONG: And some of the other information,
7 I got those from Dave Wilkins, and he related to me that
8 was based on the Real Estate record that they're based on.
9 MR. MILLER: Regarding the existing --
10 MR. WONG: Regarding the tanks.
11 MR. CALL: Question?
12 BOARDMEMBER WORK: I also thought it was a
13 great presentation, and my question -- and this is
14 something I might have missed. I'm a little unclear on
15 what the clean-up level is going to be for your first
16 attempt at remediation. And then you said something about
17 how you're going to go back and take a second look to see
18 if you've met that standard, or --
19 MR. CALL: Well, no, I didn't actually use
20 the word "standard." That's a very good question.
21 BOARDMEMBER WORK: I guess, what is the level
22 of success that we are talking about, I guess is what I'm
23 trying to --
24 MR. CALL: Well, at this point in the
25 investigation, I don't believe that any action levels have

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1 been established, any regulatory action levels have been
2 established for petroleum hydrocarbons. Our goal during
3 the first phase of our remedial activities would be to
4 remove as much of the contaminated material as we could
5 without moving utilities; without undermining the road.
6 So our standard of success in that first phase would be
7 removing as much as we could. We probably -- in those
8 areas where there were no restrictions, we'd probably be
9 trying to excavate material away at least to a hundred
10 parts per million criteria.

11 BOARDMEMBER WORK: Thanks.

12 MR. CALL: Jan.

13 BOARDMEMBER BAXTER: One piece of information
14 just for information purposes is that the hundred parts
15 per million is not used as a clean-up level for soil.

16 Another thing for Bennett is that the U.S.G.
17 regulations are under Water Code, so you know which agency
18 has that.

19 And then the other question I had: On the
20 groundwater, from the way you described, it sounds like
21 you found it in Franciscan at that depth, rather than in
22 the soil.

23 MR. CALL: Yes, it was in the bedrock.

24 BOARDMEMBER BAXTER: Okay. This site is on a
25 ridge and the Franciscan is folded in the fault.

1 MR. CALL: Yes.
2 BOARDMEMBER BAXTER: So if you find any
3 evidence of tilted bed, then how are you going to go about
4 continuing your investigation (inaudible)? Which is
5 different; meaning the water's going to be different
6 places, and it's going to move in different places.
7 MR. WONG: That's part of the reason why we
8 did the seismic reflection survey, so that we can find out
9 the bedrock profile to see if they are dipping at a
10 different direction of the topographic survey.
11 BOARDMEMBER BAXTER: Did you find it?
12 MR. WONG: Actually, Jan, it's very fat in
13 the area, the preliminary information that we got from the
14 seismic --
15 BOARDMEMBER CHAN: So does it come out of
16 the surface near the western edge?
17 MR. WONG: It came out to surface near the
18 western edge on top of Lincoln.
19 BOARDMEMBER CHAN: Any springs then?
20 MR. WONG: Oh, I'm referring to the bedrock.
21 BOARDMEMBER CHAN: Yeah. I was wondering
22 about -- if the groundwater followed along.
23 MR. WONG: We didn't notice any silt.
24 MR. CALL: We still don't know if that's even
25 related.

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1 BOARDMEMBER CHAN: I understand.
2 BOARDMEMBER HORENSTEIN: Just a quick -- the
3 first one's on the PCB's, just a follow-up because it's
4 interesting. My understanding is that oil in the past --
5 in the 70s or 80s -- had been contaminated on occasion
6 with PCB; so analyzing spilled oil, you look for PCB's.
7 The second one is the hundred parts per
8 million clean-up level, Jan kind of left me dangling here.
9 So what is it? 10 or 50 or 5 or 1 or --
10 BOARDMEMBER BAXTER: No. He said it was used
11 as a generic clean-up level in regions of the state, and
12 just want you to know that it's not used that way in this
13 region. Clean-up levels, either interim and or specific,
14 are normally set on a site-specific basis, so it's up to
15 the regulators --
16 BOARDMEMBER HORENSTEIN: Do they normally go
17 higher or lower?
18 BOARDMEMBER BAXTER: It can go either way,
19 higher or lower, depending upon what it's threatening --
20 BOARDMEMBER LEE: It depends on intended use.
21 BOARDMEMBER HORENSTEIN: And groundwater
22 proximity and those types of things.
23 BOARDMEMBER LEE: Right. For underground
24 tanks for homeowners, we don't allow anything over 100
25 parts per million to remain in the soil, because if -- it

1 makes sense, because if you want to sell your house, if
2 you have anything greater, you have liability. We've had
3 a lot of problems with condos and people that own homes.
4 So we at the City -- it's a minimum of 100 ppm that we
5 clean-up to.
6 So depending on where this aquifer goes to,
7 if you have any endangered species -- I don't know. It's
8 pretty far down. You know, then we'll have to see exactly
9 what the concentration is before we set a standard.
10 BOARDMEMBER HORENSTEIN: You asked the PCB
11 question, right?
12 BOARDMEMBER LEE: Right.
13 BOARDMEMBER HORENSTEIN: What prompted that?
14 Did you find PCB?
15 BOARDMEMBER LEE: Because normally,
16 historically, the armed forces would use PCB; they used it
17 quite a bit on military bases because it's nonflammable;
18 so they used to pour that stuff everywhere.
19 As a matter of fact, I think we went out to
20 Jeremy O'Brien, they used the PCB to blow it out the
21 stacks and burned it as fuel.
22 And what happened is the armed forces didn't
23 know how to get rid of it; so they'd store it and mix it
24 with oil, waste oil, any kind of oil, and just use it.
25 And that's why; it was a very common

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1 practice. Or they'd put it in railroad tracks to kill the
2 herbicides -- use it as herbicides.
3 MR. CALL: However, we have no evidence that
4 that took place at this particular site.
5 BOARDMEMBER LOLLI: Does Building 1349 have a
6 priority for cleaning up?
7 MR. CALL: Not that I'm aware of.
8 BOARDMEMBER FUENTES: You said you did
9 testing on inorganics. Can you share some data to us?
10 MR. CALL: No, I really don't have a good
11 slide on that. The draft site investigation report has a
12 very thorough discussion of that, if you're interested; it
13 includes some very interesting statistical data. But
14 quite frankly, there's really nothing on that.
15 BOARDMEMBER FUENTES: Did you find anything
16 significant, like lead or any other kind of metals?
17 MR. CALL: No, except with one exception;
18 there was one high lead hit from a sample selected to a
19 depth of about one foot, and that was quite close to
20 Washington Boulevard; and in the report it speculated that
21 that high lead hit may actually be more representative of
22 leaded fuel use in years past than anything to do with the
23 contamination from the site.
24 BOARDMEMBER BAXTER: How high is high?
25 MR. CALL: It was -- off the top of my

1 head, I don't remember. But it was -- in the statistics,
2 it was quite clearly an aberration.
3 MR. WONG: The highest concentration of lead
4 referred to was 126 milligrams per kilogram. The second
5 highest is 39.9.
6 MR. CALL: Thank you. Question?
7 MR. MILLER: I had a dangling question about
8 land use in the area.
9 MR. CALL: Land use; I can't address that
10 question. Roberta?
11 BOARDMEMBER BLANK: Yeah, the land use for
12 that area is open space. But more specifically, there's a
13 plan to put a trail right along the base of the tank,
14 between where the tank's located and the road. And also
15 the intention is to restore the area to a more natural
16 landscape. There's some non-indigenous plant species
17 there now, and the intention is to restore the native
18 species in the area.
19 We looked at the report, and in terms of the
20 clean-up level issues, we were interested in having some
21 further discussions with the regulatory agencies about
22 what the appropriate clean-up levels should be. I did
23 talk to Richard Hyatt (phonetic) -- I don't think he's in
24 here tonight -- of the Regional Board about that, and he
25 did say it was a site-specific determination, and that

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determination hadn't been made for that site yet. So we thought that we needed to have a meeting and have that happen.

And then, depending on what the clean-up level is, we were interested in seeing if it would be possible to pursue a more thorough removal action, since we're going to go to a removal action.

MR. CALL: That's always a possibility.

BOARDMEMBER BLANK: And I know that there was some constraints raised in terms of the road and the sewers; and so in our comments to the Army, we said we wanted to see if it's possible to work around any of these constraints; that it might be possible to go into Washington Boulevard and then repave it; and then it might be possible to do some work with the utility system there supporting it, so that you could do a deeper excavation; some things like that.

MR. MILLER: Is the clean-up level at issue (inaudible) subcommittee working on it (inaudible) members, or for anybody in the RAB who's interested, who's on the Underground Tank Committee?

BOARDMEMBER BALL: Absolutely it's going to be an issue that's going to be considered. The Underground Tank Committee hasn't had a meeting yet --

MR. MILLER: Are you in touch with this

problem (inaudible) --

BOARDMEMBER BALL: Like I said, we haven't had a meeting yet, so this is all news to us.

I think this is probably the first underground tank story that we've been pitched.

MR. MILLER: Because like I said, if the meeting doesn't come before the decision, I'd like to see how the RAB can be involved, or individually offer comments on the standards process, if anyone has any ideas on that.

FACILITATOR KERN: I'm standing up because I'd like wrap this up, and I don't mean to cut you off. You can beat me outside in the break. And I really would like to thank Mr. Call for a very concise presentation, and thank you for answering all of our questions.

MR. CALL: My pleasure.

FACILITATOR KERN: Why don't we take a break, if that's agreeable, for 15.

(Recess)

FACILITATOR KERN: The next part of our presentation, we have an Organizational Committee that's been putting in many hours to present to us a very important part of our business of the Restoration Advisory Board, and that's the presentation of the Charter and Bylaws.

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I've been asked to have you, as you listen to this presentation, think about what you want to do as we're going along, and that could be: Adopt the document and the presentation as is, as it's given to you, and get on with business; adopt the document with specific concrete revisions that you can identify; send this document and work back to committee with specific suggestions. And those would be some options as we're listening to this presentation.

I'd like to see that we limit any kind of a wordsmithing discussion here, and realize that we can, at some later time, amend this document; we don't have to do it all at once.

So with that, I will be -- as with in the previous presentation -- which you didn't sort of help me as much. You kind the got in there and were -- it's your meeting and you can do what you want in this meeting. But as I sense people getting frustrated, I will enter in and be a little bit more directive. But I'd like Arnie to take over.

BOARDMEMBER ROSSI: Please put the projector up again for me.

Well, like any presentation, obviously if you lose the timing on it, often it's impact is the value. This presentation was to be presented last week, along

with the handout which I've provided you. So we've had about two weeks now for each of you -- at least those of you that were at the meeting -- to at least read or take a look at the proposed draft Charter and Bylaws; and as a consequence, my presentation should be much briefer and much to the point; and I will just spend a few moments to highlight or focus on a few items that I believe are of unique interest maybe to this community, or how they may differ from a standard -- if there is such a thing -- but there are -- charters and/or by-laws that guide such committees.

So we should go rather rapidly. I would ask that you allow me to complete my presentation, and then we will open for any questions you might have to either clarify, enlighten, or whatever else you've got; okay?

By the way, a copy of these, in miniature form, should be in the first two or three pages of your handout which I gave to you last week. So if you can't read this, you can follow me on those copies of slides that are in your handout of the Constitution and Bylaws. By the way, do all of you have a copy of those with you? Okay. I always come prepared, because somebody will not have it, right; or didn't bring their booklet.

Okay. Everybody have a one?

So if you would flip the page over the cover

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1 letter, and beyond the contents, there are copies of the
2 slides which I will show you. Again, because you've all
3 had a -- at least most of you have had an opportunity to
4 look at these, I will go through them rather quickly.

5 Without a goal, an objective, a direction,
6 you know, we're lost. And as a consequence, what I tried
7 to do -- or what we tried to do in writing the Charter and
8 Bylaws is -- and I'll focus on the most important thread
9 of this very intricate fabric, and that is its goal. And
10 it's goal is to assure open, efficient and productive
11 effort; and maybe the underlying word should be
12 "productive."

13 So one of the major laces of this entire
14 package, so to speak, is the word productivity, i.e. when
15 it is written, or as it is written, it is intended to
16 produce something which may be used by someone in a
17 meaningful way, or at least as intended by the very
18 purpose of this body. If not, then we would just be
19 chattering.

20 Okay. Next one, Contents. The Contents, I
21 broke it down into two parts; a Charter, which consists of
22 those three elements. Again, for a point of focus, the
23 mission is the heart, the essence of why we exist. So if
24 we get by that particular statement, and we all know why
25 we are here, it's probably easier the rest of the way. If

1 we don't comprehend or understand why we are here, or why
2 we exist, it's pretty tough to go on from there because
3 then we would probably not agree on many other things.

4 The responsibilities are rather clear-cut;
5 and the source is, I believe I've indicated clearly in the
6 cover letter, in terms of where they come; they were not
7 merely fabricated or created. Some of them came out of
8 the previous nine meetings that I think we've had here in
9 the RAB, I think two in particular; but the rest of them
10 are just textbook responsibilities that came out of the
11 RAB guidelines, which have been distributed over the last
12 six months.

13 The Bylaws is the how-to; the procedures. How
14 are we going to accomplish our goal? How are we going to
15 produce something? How are we going to accomplish our
16 mission?

17 The focus is underlined. That can get a
18 little technical and a little complex, so I'm going to try
19 to avoid -- at least in the presentation -- because you
20 can all read it; you can all contemplate it, and you have
21 to kind of visualize the setting, and they're written with
22 that in mind. Because the rules for conducting meetings;
23 and of the type meetings; and what the voting rules are;
24 and committee rules; and rules of order; and how you come
25 up with an agenda; who comes up with an agenda; how you

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1 hear an agenda; what is a minute; how they're developed;
2 who develops them; it's all in there, okay.

3 That is, I believe, a unique part of this
4 particular charter, because we've taken the pain to be so
5 specific so as to avoid tripping, so to speak, and to
6 avoid accomplishing the goal of producing something that,
7 at least for the administrative record of what is being
8 done on the Presidio, we have a record of the will of the
9 members of the RAB with respect to a particular
10 environmental clean-up effort.

11 The other one, in fact, was even brought up
12 by our Facilitator, in terms of amending. There is a
13 provision in there with respect to amendments. So it's
14 built into the by-laws on how to change it.

15 Mission. Remember I said it's very important
16 for us to understand that first bullet, so to speak,
17 Mission. Again, the words were not created, made up; they
18 were taken out of the volumes of guidelines that have been
19 provided. And the key words are "advise." Advise who?
20 The Army; in this particular case, defined as the
21 commander responsible for the clean-up;

22 The Clean-up. Generic word maybe. Maybe not
23 the technical right word; who knows? But it is a word
24 that we, I think, as members of the community understand
25 what needs to be done with respect to restoring some piece

1 of Real Estate to some state which is acceptable, so that
2 a reuse effort can be properly undertaken;

3 And the Purpose. Well, you know, why we meet
4 and so forth. That's kind of a subset.

5 Membership. Now, the membership part, again,
6 it's textbook stuff. Just reward hopefully; so that we
7 all can understand. Nothing really magical about this.
8 Some of it is almost grandfathered, because I took some of
9 the provisions which should have been applied in the
10 process for creating the RAB, incorporated them into a
11 document which now make it appear that, yes, this is what
12 we followed in order to form the RAB.

13 Membership continued. This may be the one
14 that's a bit, oh, subjective or controversial; but again,
15 it's taken out of the guidance. The key word is "should
16 be." We don't say "must be," "will be," "has to be." We
17 said "should be."

18 Why? Because that's basically what the
19 guidance provides. There are provisions for resigning;
20 for adding and terminating, which you don't find in many
21 charters, which I believe adds some flexibility; and not
22 only that, but adds some realistic continuity to the
23 entire body of the RAB, or to any organization; whereby
24 there's a provision where a person who can no longer
25 participate effectively can resign. He can resign with

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1 dignity; he can then say, "Listen, I would recommend
2 adding Ms. Jones, whom I know, who lives in the
3 neighborhood," or whatever, who is a good representative;
4 who can come back to the community constituency and inform
5 of what is happening.

6 And then there's also a provision for
7 terminating. Hopefully, that's always the exception, but
8 some members of the committee felt that that was a very
9 good provision to have in there, a provision whereby
10 certain members may be terminated; and that is spelled out
11 in the by-laws.

12 The other provision that is on the membership
13 I think of note -- there are two; the conflict of interest
14 provision and the censure provision. Again, these are
15 just kind of safety valves; hopefully, rarely, if ever
16 invoked.

17 Organization. Again, the organization is a
18 reflection of what has been discussed in the past nine --
19 at the time we wrote this -- it was nine RAB meetings. So
20 we had already organized ourselves essentially as is
21 indicated in the proposed Bylaws.

22 And there are provisions for -- that's the
23 key -- for special committees, or adding committees.

24 The RAB officers. Again, key word, first
25 bullet, "an equal partnership." Those words came right

1 out of the guidance; right out of the D.O.D. guidance;
2 right out of the U.S.E.P.A. guidance, which says it has to
3 be an equal partnership between -- in this case the Army
4 and the community.

5 And then it describes in terms of the
6 officers, which I believe are commonly known. Up to this
7 point too, the Organizational Committee felt that because
8 of again, the nature of the product -- remember that fiber
9 that runs through this entire document; a very important
10 fiber that holds it together -- is how we've got to
11 produce something which someone then can do something
12 with. And the only instrument that we found that then can
13 do that in a practical timely manner maybe then to add as
14 an officer of the organization a secretary. A little
15 slight difference in terms of how a secretary is
16 solicited, so to speak; he or she must volunteer, and he
17 or she must be then appointed by the RAB.

18 It spells out the terms of service; how long
19 you'll serve; how they may be terminated; and most
20 important of all, it spells out the duties of each one of
21 the RAB officers.

22 Then it talks about meetings; in terms of how
23 the meetings -- and this is what I was talking about --
24 all those technical rules in terms of what is a quorum;
25 what is the role of the Facilitator -- and that's a very

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1 brief, I think two or three sentences; what's a normal,
2 standard meeting format to lend some sort of order to what
3 we are doing in a routine manner, so that we don't have to
4 reinvent the wheel every week or every meeting when we
5 have to write a summary of the meeting.

6 And then the voting rules, which spell out on
7 procedures; who can vote on the procedure, the process by
8 which we meet; who can vote on certain initiatives; who
9 can vote on quote -- remember that advice, because that's
10 part of our mission, to provide advice to the Army
11 commander responsible for the clean-up of the Presidio.
12 And that's all spelled out in the Bylaws.

13 And then there's a provision for agenda
14 development. And then even very specific instructions on
15 who prepares the minutes; where the minutes are filed; how
16 they're approved.

17 And why are the minutes important? Remember
18 last week we had a big discussion about the -- what was
19 it? The reference material being available? Not only is
20 that material important to the members of the community
21 who might otherwise have an interest in finding out what
22 the heck is going on; but by having the minutes, for
23 example, of the RAB meeting as a permanent record in the
24 repository -- as a permanent record of the administrative
25 record present in the repository, it represents a

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1 hopefully concise summarized statement of the intent of
2 the community with respect to the clean-up effort at the
3 Presidio.

4 So as a matter of record, there's something
5 there concretely that the community can go to and easily
6 understand and grab onto. Because if you expect most
7 community members -- and I'm talking community members;
8 not technically oriented, maybe representative of special
9 group persons, but Joe Citizen -- to go in there and read
10 an entire transcript, or a series of transcripts which are
11 being very professionally produced here, to find out
12 exactly what happened and what the RAB wanted to do and
13 not wanted to do, the chances are very, very slim that
14 that's going to happen.

15 Okay, Public Participation. There's a
16 provision in there; and this is not as critical to what we
17 are doing, but it does highlight the point that the whole
18 purpose of the RAB is public or community participation.
19 It's not a forum for the regulators; it's not a forum for
20 the Army; or it's not a forum for the contractors of the
21 Corps Of Engineers, I'm sorry to say; it's a forum for the
22 community; for the representatives of the community. And
23 we've defined what the community is back in there, all
24 those folks in there. Those are the key players. Those
25 are the primary players for this particular forum. That's

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1 what's highlighted in these Bylaws.

2 And then it mentions some techniques for
3 keeping community involved. It talks about information
4 repositories; it talks about public notices. And this one
5 is a very, very good one, because if you really look at
6 the guidance; if you really look at the responsibility
7 side of the equation with respect to the Army being
8 responsible for the clean-up; the Army commander
9 responsible is also responsible for the public affairs
10 effort. And public affairs to the Army commander meaning
11 keeping local community informed. And the Public Affairs
12 Office of the Army is the responsible office for keeping
13 community informed in terms of public participation.

14 So whatever we do as a body, and whatever
15 that committee does as a body, we should coordinate -- we
16 use the word "must coordinate" with the Army's Public
17 Affairs Office; because we would not want to be working at
18 cross purposes with the Public Affairs Office. That would
19 be counterproductive.

20 Amendments. Key issue; key provision.
21 Again, we can amend it. This is a proposed get-started
22 order, so we can, you know, go on our trip, so to speak.
23 We can always adjust the route of march, or the route by
24 which we can going east -- if we are going east -- once
25 we're on the way; and this is a way to do it.

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1 communication among all members; both up, down and
2 laterally. All of the agencies have got to cooperate.
3 And that doesn't mean that Co-chairs don't cooperate with
4 other Co-chairs, or secretary doesn't cooperate with
5 whomever they must cooperate with in order to get enough
6 information for that person to write the minutes. It
7 means also that we as a body have to cooperate with each
8 other;

9 And then Coordination. Coordination means
10 simply that whatever action we take, we have to take a
11 look at all of its impact and implications on everything;
12 not just in isolation.

13 And I can offer just three more C's which are
14 the counter. If we don't have these three C's, we'll end
15 up with the other three C's, which is chaos, confusion and
16 consternation.

17 Okay, questions?

18 BOARDMEMBER O'HARA: I'd like to move that
19 the RAB adopt the proposed Charter and Bylaws as
20 submitted.

21 BOARDMEMBER LOLL: And I second it.

22 FACILITATOR KERN: It's been moved and
23 seconded that the RAB adopt the Charters and Bylaws as
24 submitted.

25 BOARDMEMBER HORENSTEIN: I'd like to make a

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1 Now, so as not to make it too easy to amend,
2 the committee decided on certain general guideline rules
3 with respect to an approval of two-thirds vote of the
4 Presidio RAB for referral. So if there is a formal
5 amendment on the floor, it must be approved by two-thirds
6 of the Presidio RAB; and Presidio RAB is defined in the
7 definitions part.

8 And then it's referred to the Organizational
9 Committee or the Rules Committee simply for writing, so
10 that we can get the right language; and then it's
11 presented for approval as written; and then it must be
12 approved by two-thirds of the Presidio RAB again; and it's
13 effective on the date of the approval of the minutes.

14 Why is that important? It's important
15 because even though you might approve an amendment
16 tonight; the minutes of tonight's meeting -- as the
17 minutes are being prepared -- will not be approved when?
18 Until the next meeting. So the actual amendment would be
19 effective the next meeting.

20 Okay. Lastly, what's an open, effective and
21 productive RAB? What are the characteristics? I define
22 it in terms of the three C's, and the three C's apply not
23 only to this particular forum; but they apply to every
24 organization that at least I've been associated with.

25 You've got to have almost continuous

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1 brief comment, because you have -- just a note, because
2 there is some concern I heard -- not everyone was here --
3 that expressed that adoption -- and I was on the committee
4 and I am for adopting it. We just have to recognize that
5 it will change the nature of our meetings. It will
6 increase formality, and we're giving up flexibility for
7 productivity maybe; and that's a trade off. But we won't
8 be -- I mean, recognize motions and recognized before you
9 speak, and it's a lot of the order and rules that perhaps
10 can be amended if we don't like them, or uncomfortable as
11 we go. But the meetings will change and become more
12 rule-oriented. Just something to be aware of.

13 FACILITATOR KERN: Comment?

14 MR. MILLER: I have a problem -- I mean, I
15 understand there's a motion and a second, but is this a
16 discussion period?

17 FACILITATOR KERN: We're discussing, yeah, on
18 the motion.

19 MR. MILLER: That's what I mean. If the
20 motion is carried, and then suddenly if any changes or
21 amendments incur, they require two-thirds of the RAB
22 to make any additional changes. I have two problems.
23 One, there was extensive comments made by at least one
24 person who is not here and he represents a significant
25 community viewpoint, that is Presidio Counsel's views.

1 There's also another member who's not present; that is the
2 Sierra Club. Is anyone proxying either of those votes?
3 Okay. Good. And I'd like to know --
4 BOARDMEMBER ROSSI: By the way, Mr. Alexander
5 is a member of the committee.
6 MR. MILLER: Did he approve of the
7 comments -- I mean, were his comments incorporated?
8 BOARDMEMBER ROSSI: Yes, they were.
9 MR. MILLER: Good. One question I had, I
10 think, because it's come up a number times in prior
11 meetings, and that is -- you mentioned -- in a lot of
12 respects downplayed the importance of the word "clean-up."
13 And I think there has been a substantial importance placed
14 by some members of the RAB on that term because it
15 reflects in the scope of the committee -- the purpose of
16 the RAB.
17 And I'd like to have -- I guess the person
18 who made some substantial comments --
19 BOARDMEMBER ROSSI: May I --
20 FACILITATOR KERN: If you can just finish
21 your comment, then I'll recognize you.
22 BOARDMEMBER ROSSI: I want to know who he
23 represents. First of all, are you speaking on behalf of
24 Rob Reinhard?
25 MR. MILLER: I'm not speaking on behalf of

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1 the RAB, that they vote against adopting it as stated
2 right now.
3 I think Bob Reinhard pointed out an important
4 provision, the restoration. I had a couple other points
5 that I haven't submitted. I did receive these late.
6 And I also should add that there were some
7 changes to RAB guidance that were just issued, for
8 instance, September 27th, which I just received today
9 after just getting them from the Army actually this
10 morning. So I would like to have an opportunity to
11 comment on the Charter and Bylaws. I appreciate the fact
12 that there's a substantial amount of work done on these
13 Charter and Bylaws, but I think since it's such an
14 important document, it's worth a serious amount of
15 reflection by individuals of the RAB, and the RAB itself.
16 I just had one other point, something that
17 had substantial controversy within the RAB at the previous
18 few meetings, that I think I would like to see
19 supplemented that's not really dealt with specifically --
20 mainly access to documents. There is a general language
21 in the Bylaws regarding access to documents.
22 I think there's certain points that the
23 guidance has emphasized; various guidance, D.O.D. and Army
24 guidance, in addition to the general materials. I'm
25 speaking of the materials from the Restoration Advisory

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1 him. I am certainly a friend. I'll say that he had some
2 comments that Art concurs with, and also wanted to
3 supplement at some point before a decision is made by the
4 RAB.
5 FACILITATOR KERN: All right. Well, what
6 we're about to vote on is whether to approve this as
7 submitted. So if after you finish your comment, we'll
8 decide whether we're going to approve it right now. If
9 everybody decides we're not, then we can discuss it
10 further.
11 MR. MILLER: But see, my question -- I had
12 some comments to try to persuade people not to approve it
13 as submitted; and this is the only public moment that I
14 have to do so, to persuade people; is that correct?
15 FACILITATOR KERN: That's correct.
16 MR. MILLER: Okay. So I'd like to have a
17 moment -- I think it's an important issue, because as you
18 mentioned, it does lock people into a two-thirds
19 requirement to change, and that means if there is a
20 divergence of interest between community members and
21 members of the regulatory community, then I think the
22 regulatory community and the Army can block any proposed
23 amendments. And I think -- I suggest that community
24 members think hard about that, if they do have any issues
25 with respect to the wording and the purpose and scope of

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1 Workshop Guidebook, which includes a lot of the governing
2 guidance that suggests -- that talks about mandating a
3 30-day comment period for draft documents that -- to
4 provide the RAB members an opportunity to comment on
5 documents before they're issued in final form.
6 Secondly, that there be mandatory language
7 that the RAB members receive draft documents at the same
8 time that regulators receive draft documents, so that they
9 have the full period of time that regulators have to
10 prepare comments on that document before it's issued in
11 final form. I'd like to see some of that kind of hardened
12 language rather than kind of the general language here,
13 which would give, I think, the Army more leeway in not
14 providing the RAB with full opportunity to reflect upon
15 documents as they're issued, and to provide formal
16 comments.
17 I was also going to propose -- I don't think
18 these are political issues --
19 BOARDMEMBER ROSSI: No, but you're going on
20 so much, I can't even write it down.
21 MR. MILLER: They're being reported in the
22 minutes.
23 And I guess the last point I want to make is
24 I'd like to see again, a hardened position -- rather a
25 hardened statement in the Bylaws that says that the Army

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1 must respond in writing to comments by members -- by
2 individual members of the RAB; to any and all comments,
3 whether they're responding to groups of comments, or
4 singularly; I think it's something that I strongly urge
5 the member of the RAB to include in the Bylaws.

6 And again, once these things are in place --
7 if the people vote today to nail that door shut, it will
8 be very difficult to make any changes or amendments under
9 a two-thirds vote requirement. I believe right now that
10 requirement -- we can reject it with a majority vote, and
11 I would recommend that until there's full opportunity for
12 discussion over a couple meetings when people have a
13 chance to reflect on these issues, I urge that people vote
14 against adopting the Bylaws and Charter for the moment,
15 and put it off for one -- maybe one, maybe two sessions.
16 Thanks.

17 FACILITATOR KERN: Further --

18 BOARDMEMBER ROSSI: Well, wait a minute, I
19 heard a motion. We're getting kind of screwed up here,
20 I'm sorry. But he's had an opportunity -- I thought that
21 the discussion was focused on the motion.

22 FACILITATOR KERN: I heard it was focused on
23 the motion.

24 BOARDMEMBER ROSSI: Now he's making a counter
25 motion.

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1 change that last amendment -- that it can be amended by a
2 majority instead of two-thirds, and that gives us a lot of
3 flexibility as we progress.

4 FACILITATOR KERN: Arnie, do you have a
5 comment?

6 BOARDMEMBER ROSSI: Well, I guess as matter
7 of -- realizing we don't have any rules, but is someone
8 here now speaking on behalf of Bob Reinhard per se, his
9 objections as a member of the RAB over -- or with respect
10 to the proposed Charter and Bylaws? I just want to know.

11 It seems that somebody talks his name like
12 they're presenting something, but are they representing
13 something? Whom do you represent?

14 MR. MILLER: I represent ARC, Arms Control
15 Research, a member of the RAB, and I'm speaking on behalf
16 of ARC and that's --

17 BOARDMEMBER ROSSI: That's fine.

18 MR. MILLER: And I'm also saying that there
19 are comments that were suggested that others may not have
20 known about --

21 BOARDMEMBER ROSSI: They knew about it,
22 because he distributed his comments widely; not only once,
23 but twice; and the committee fully considered it.

24 FACILITATOR KERN: Okay. Further comment?
25 Sol.

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1 BOARDMEMBER HORENSTEIN: Well, we haven't
2 adopted any rules yet. We're able to do this type of
3 discussion.

4 FACILITATOR KERN: Okay. I'm still working
5 with the one motion, and I'm waiting to hear if people
6 have any comments on that particular motion.

7 BOARDMEMBER HORENSTEIN: I'd like to
8 follow-up. I have Bob's comments here; I think some other
9 people got them. Generally, they're reducing the amount
10 of rules, and probably what he views as the burden of the
11 rules. Motion's scratched. A lot -- probably a good half
12 of this was scratched off, basically, I think a sense to
13 maintain flexibility that he thinks is important, and to
14 maintain -- and also not to intimidate people that aren't
15 comfortable or knowledgeable about Robert's Rules Of
16 Order, and motions and counter motions, and I get lost
17 personally on that, as well.

18 So I think to share Bob's concerns as a
19 whole -- and I'm probably not doing it justice -- is just
20 trying to reduce the level of rules and burden.

21 But perhaps that, as well as your concern --
22 I like the idea of perhaps instead of two-thirds, we do a
23 majority to make amendments, and that way we're freer to
24 change this as we progress to something more comfortable.

25 So maybe we say we can we adopt, but just

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1 BOARDMEMBER LEVINE: First of all, I'm dead
2 set against moving it to another meeting, or another
3 session, because that's what we seem to be able to do all
4 the time, is to move it to another session.

5 I think that we should compromise. In no
6 organization that I've ever dealt with are amendments
7 adopted just by a simple majority, because an amendment is
8 a more permanent thing.

9 I would move that -- to a certain extent what
10 Bennett said -- possibly not to two-thirds, but to say a
11 50 percent vote on amendments. Because amendments should
12 always be a harder thing to do than just a general vote on
13 motions or whatever.

14 And that's the comment that I would like to
15 make on that. I think we should go ahead and adopt it
16 possibly with that; so I think that that might answer
17 Mr. Miller's objection on that.

18 MS. KANNATT: On behalf of the Army
19 Co-chair, Dave Wilkins, I'd just like to comment that you
20 as a RAB put together an Organizational Committee to set
21 up rules for you to operate by, and I would suggest, just
22 as
23 Mr. Levine stated, that this not be pushed off again.

24 I don't have a position on your guidelines,
25 other than that maybe you should have some faith in the

1 people who spent a lot of hours and time reviewing this
2 issue for you. There are provisions in here for you to
3 make changes and amendments and to grow as time goes on.

4 I take note of the fact that the
5 representative from ARC stated that, you know, the Army
6 and the regulators might have an ability to block a vote.
7 But the Army and the regulators can't equal two-thirds of
8 your RAB, if you look at the numbers --

9 BOARDMEMBER ROSSI: 23. 23 community members

10 FACILITATOR KERN: Hold on, please.

11 MS. KANNATT: So I just offer that to you as
12 a recommendation, to go with the people who put this
13 together for you and spent a lot of time to do it. And
14 that's all.

15 FACILITATOR KERN: Further comments?

16 BOARDMEMBER BAXTER: Yes. As a member of the
17 committee that put this together, I'm glad people like it.
18 But I believe that we should allow people to have their
19 say on what they think, and I don't think that limiting
20 their ability to tell us what they like or don't like is a
21 particularly good idea. If we like the document as
22 written, we can just vote to adopt this later in the
23 evening without preventing others of their opportunity to
24 speak what they believe.

25 FACILITATOR KERN: Michael.

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1 BOARDMEMBER ROSSI: What is the source
2 document?

3 MR. MILLER: It's D.O.D. - U.S.E.P.A.
4 Washington, D.C. Restoration Advisory Board Implementation
5 Guidelines dated September 27th, 1994.

6 BOARDMEMBER ROSSI: You've got a BEC right
7 there who's involved in it. Has she seen it?

8 FACILITATOR KERN: Further discussion?

9 BOARDMEMBER BLANK: I had a question for the
10 committee about the membership. It talks about -- it
11 includes the Department of Interiors National Park Service
12 in Paragraph A on Page 4; and then thereafter, it never
13 mentions again the Park Service as a member of the RAB;
14 and every other place, it spells out all the other
15 members, but not the Park Service. So I feel there's an
16 omission in there about the inclusion of the Park Service
17 as a member of the RAB.

18 BOARDMEMBER ROSSI: It wasn't intended that
19 way.

20 BOARDMEMBER BLANK: But it needs to be
21 corrected, so I'm stating that there's an error in this
22 document.

23 BOARDMEMBER ROSSI: Could you be specific,
24 please?

25 BOARDMEMBER BLANK: Yes. Item Number 1 says

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1 BOARDMEMBER WORK: I think the people who put
2 this together really deserve a round of thanks from us.
3 But I am interested in the fact that there is possibly new
4 guidance out there that might have an impact on this
5 document. I guess the question in my mind is: Postponing
6 this action -- is there going to be something bad that's
7 going to happen by postponing this action until more
8 people have a say, and until we have time to look at this
9 new guidance? And if the answer is "nothing really very
10 bad is going to happen by postponing that decision," I
11 guess I would be in favor of making that postponement.

12 FACILITATOR KERN: Arnie.

13 BOARDMEMBER ROSSI: Well, first of all, you
14 seem to be making your basis of your request for
15 postponement on new guidance. I don't know of any new
16 guidance with respect to the RAB. It may be guidance
17 relative to the administration, or publication, or hearing
18 periods of environmental documents which are covered by
19 other provisions.

20 MR. MILLER: I can clarify that factual
21 issue. I just received today from the Army Public
22 Information Officer in or near D.C. what she said was the
23 final guidance on -- it's called Restoration Advisory
24 Board Implementation Guidance, dated September 27th, 1994.
25 I doubt if these were incorporated into this --

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1 "D.O.D. and Federal, State and Local regulators," and
2 it has the colon and says, "The Army and other Federal,
3 State and Local government agencies should each have their
4 own member." And it's unclear to me --

5 BOARDMEMBER ROSSI: Are you not a Federal
6 agency?

7 BOARDMEMBER BLANK: Well, the way it's
8 described is the Federal, State and Local agencies are
9 regulators, and the Department of the Interior, or the
10 National Park Service is not a regulator; so that was why
11 I was confused by what the intention of that was.

12 BOARDMEMBER ROSSI: It wasn't intended to
13 omit you. You're a member of the RAB all the way through.

14 BOARDMEMBER BLANK: It seems like since
15 they're describing regulators, that the Park Service
16 should be separately identified under that category Number
17 1; because they're not community members.

18 BOARDMEMBER HORENSTEIN: So you're offering a
19 revision to that Paragraph 1 then?

20 BOARDMEMBER BLANK: Well, I originally stated
21 it as a question: Where was it considered that the Park
22 Service fell?

23 BOARDMEMBER HORENSTEIN: I think it was, like
24 Arnie said -- I was on the committee also -- just an
25 omission.

1 BOARDMEMBER ROSSI: It was not intended to
2 separate you. We know you're not regulators.

3 BOARDMEMBER LEVINE: So can we just have an
4 amendment to it?

5 BOARDMEMBER BLANK: So it could be "D.O.D.,
6 Federal, State and Local regulators and National Park
7 Service"; some kind of correction to clarify the status of
8 the Park Service.

9 The second comment I had was, that with
10 respect to meetings on Page 9, it says that, all special
11 focus meetings will be at the location that we're in here,
12 in this building, unless otherwise notified. And this
13 room's not available as far as I understand.

14 BOARDMEMBER BAXTER: That's intended for our
15 every-two-week meetings. See, this only does it for
16 once-a-month, and so the every-two-weeks was called a
17 "special focus," not workshop type meetings and stuff like
18 that.

19 BOARDMEMBER BLANK: Okay. I just want people
20 to understand that they can't expect to get these rooms
21 other than those every-two-weeks.

22 FACILITATOR KERN: Okay, we need to hold --

23 BOARDMEMBER BLANK: Other than that, I agree
24 that we need to have some more discussion.

25 FACILITATOR KERN: Yes.

1 MS. KANNATT: I just had an opportunity to
2 briefly look at the September 27th, 1994 guidance. I
3 haven't read it and compared it to the previous guidance,

4 but if I am accurate, the last guidance -- which was
5 probably used to draft these rules that you have here --
6 was a draft final, and it was version, I believe, 2.4 --

7 BOARDMEMBER ROSSI: Right.

8 MS. KANNATT: This, I believe, is the final
9 final of 2.4. What changes it made since we went through,
10 you know, 1, and all the way to 2.4, and then a final, in
11 over a year, I suspect were probably limited. So, you
12 know, without going back and doing a page-by-page,
13 word-for-word change, I suspect that the outline is very
14 similar and the guts are probably extremely similar, as
15 well, if that helps any of you.

16 FACILITATOR KERN: Scott, yes.

17 MR. MILLER: With various comments here -- I
18 presume that any comment or any change, that -- once -- if
19 the motion is carried, say, then I presume any change --
20 and I presume -- I guess, is the option to have the motion
21 either carried or not carried?

22 FACILITATOR KERN: That's the option right
23 now.

24 MR. MILLER: And that's on the table right
25 now. So in other words, any comments that people make now

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1 could only go to persuade those people either yes or no?

2 FACILITATOR KERN: That's correct.

3 MR. MILLER: Okay. I just wanted to make
4 sure I understand.

5 Secondly, that -- okay. So any comments --
6 so if I say -- there's a question about a word or a
7 question about an issue, that's irrelevant from the point
8 of view -- except to persuade people one way or the other
9 to vote yes or no?

10 FACILITATOR KERN: That's correct.

11 MR. MILLER: Okay. I just wanted to make
12 sure I understood you.

13 With regard to that, just another point
14 then -- okay. I think I made my point -- the questions I
15 had -- it's frustrating. I guess my expectation -- my
16 understanding was slightly different than what's
17 presented. I thought there would be an opportunity -- I
18 thought that's what the committee was doing, as other
19 committees do, is present issues to the RAB so that they
20 can discuss the proposals to the RAB, so they can discuss
21 it and the committee can take it back and incorporate
22 those comments and suggestions.

23 Now, was there an opportunity at the last
24 meeting that I did not attend to do such?

25 BOARDMEMBER HORENSTEIN: That's one of the

1 options tonight; three options: Adopt; adopt with
2 revisions; or send back to the committee with specific
3 guidance to look at these particular --

4 BOARDMEMBER ROSSI: But the purpose of
5 record, may I say -- because you were looking at me when
6 you said that, and the committee -- we did not make this
7 presentation with a motion. We made a presentation to the
8 RAB. Those options were put up there by the Facilitator
9 based on someone -- who that someone probably was was
10 Bennett, right?

11 FACILITATOR KERN: Yes, it was.

12 BOARDMEMBER ROSSI: Which was proper. He was
13 also a member of the committee. So it's up to the RAB.
14 And if the RAB membership, or one member made a motion; it
15 was seconded; now we're hearing that motion.

16 MR. MILLER: Okay. I thought that was put on
17 by the committee.

18 BOARDMEMBER HORENSTEIN: This was just put up
19 to give some guidance to people listening to the
20 presentation, some thought "Do I want to adopt?" specific
21 revisions, or --

22 MR. MILLER: So then I guess -- so that
23 people can make an informed choice to vote yeh or neh on
24 the motion, I'd like to address my question then to the
25 committee, just why they chose, I guess, certain -- like

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1 the word "clean-up" rather than "restoration," which
2 permeates the guidance document; and then that -- and
3 didn't real attempt to describe -- again, to help us hone
4 in on what the scope of our RAB is?

5 And also, why there wasn't, I guess, some
6 focus -- attempt to ensure the timely distribution and
7 opportunity to comment on documents built into the Bylaws.
8 I guess I don't understand why those things weren't
9 incorporated.

10 BOARDMEMBER ROSSI: I can answer it.

11 FACILITATOR LEVINE: Sol.

12 BOARDMEMBER LEVINE: First of all, about the
13 documents, I don't think we had any discussion during the
14 committee meetings about the obtaining of documents. I
15 think that became an issue last meeting when Dave Wilkins
16 announced about the repository being closed. I think
17 that's an excellent point.

18 As a matter of fact, you're bringing up of
19 the revision from Washington is another point. You know,
20 some other people should have also been available to have
21 seen that document, even though it may not be a big
22 revision. We did not discuss this at that meeting -- at
23 our Organizational Committee meetings rather, and I think
24 it's something that should be discussed.

25 However, again, if we put this off, we are,

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1 So therefore, it's really -- the meaning of
2 these terms is guided by inference; and the fundamental
3 inference that it's being guided by is the history of
4 Technical Review Committee; and that derives itself from
5 the Environmental Restoration Program that was in effect,
6 I think, from 1986 on. So I think -- and that does have
7 specific implied meaning.

8 Clean-up is a much more ambiguous term; it's
9 a much narrower term; and I don't think it captures really
10 the heart of what is at issue with the RAB, that is the
11 dissemination of information to the community, and an
12 opportunity for the community to make an input in the
13 decision-making process.

14 That's why I'm making an issue of that
15 point.

16 FACILITATOR KERN: Okay.

17 MR. MILLER: Thank you.

18 FACILITATOR KERN: Further comments?

19 MS. LAHREN: Maybe we could define "clean-up"
20 under the definition of the section, our interpretation of
21 it.

22 FACILITATOR KERN: Okay. I think this
23 discussion is really to adopt it as is, or to not, and
24 then that's a --

25 BOARDMEMBER HORENSTEIN: Well, that's only

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1 in a sense, putting off a lot of things. According to the
2 "adopt with revisions," I think we can add that particular
3 part about the document by adopting it with that
4 particular revision to instruct the committee to write up
5 another paragraph or whatever you want about documents.

6 As far as the word "clean-up" -- and we had
7 quite a debate about that during committee meetings, I
8 think that all of us would agree on that. And I've looked
9 it up in the dictionary; I've looked it up in every
10 source, whether it would be "restoration" or "clean-up"; I
11 don't think it makes that difference at this particular
12 point.

13 MR. MILLER: Could I respond as a lawyer?

14 MR. LEVINE: Okay, go ahead.

15 MR. MILLER: I've read the guidance; I've
16 read the statute. The statute, as you're probably aware,
17 is Section 10U of the United States Code, Section 2704E, I
18 think that's where the -- the RAB derives from the
19 Technical Review Committee, it's predecessor; it's all
20 from the Defense Environmental Restoration Program, where
21 restoration is defined in the statute. Now, none of that
22 is spelled out, because to tell you the truth, the RAB
23 process is an informal process at its core. It's not a
24 process governed by any statute. It's based on comments
25 made by the President in a speech last year.

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1 the first motion, recognizing that there's options.

2 FACILITATOR KERN: That's right, sure; there
3 may be more options. But we're really trying to decide
4 this one right now. Yes.

5 MS. LAHREN: Michael actually asked me to ask
6 Arnie to clarify the distinction that you draw between a
7 two-thirds vote and a majority vote, and when each
8 applies.

9 BOARDMEMBER ROSSI: Well, we'd have to go
10 back to the rules, but it depends on what we're voting on.

11 If the majority of the RAB -- it would be a
12 simple majority, and that is: If we have a total
13 membership of appointed members of 20; if 11 vote for,
14 then that is a majority vote.

15 MS. LAHREN: And when do we use the vote?
16 Is it when we're giving advice to the Army?

17 BOARDMEMBER ROSSI: Oh, you're back now into
18 the rules with respect to voting, and that depends, okay.
19 I have to read these.

20 BOARDMEMBER LEVINE: It's under F.

21 BOARDMEMBER ROSSI: There are three general
22 types of matters on which the RAB could vote. One -- and
23 I said general now -- procedural; and that really means
24 that we are voting on the operating procedures of the RAB,
25 i.e. what we are debating right now, in terms of how we

are going to do business.

Then we go back to the rule on motions, and say here that -- let's see. Let me go back, and your question was with respect to majority, right, and that rule. That would mean the majority of the total members of the RAB -- and that's both regulators, State, Local, National Park Service, D.O.D., Federal -- other Federal agencies that are members; total; all membership. So if those rules -- except for amendments, which require two-thirds, okay -- apply, then everybody in the RAB -- who's a member of the RAB as defined in the definitions in the first part -- will simply have to have whatever vote is required; two thirds of those present, or a majority of those present.

If you're voting on initiatives -- and we even defined initiatives as an inquiry or review of a particular major function relative to the mission. And then there, I believe we split that up where we make again the preponderance of effort on the part of the members of the community -- not the regulators or the Army or the National Park Service; because remember, this is a community-oriented body. So we give a little bit of edge with respect to initiatives to community members, right. I'd have to go back to the specific rules on that for voting, and that's in your copy there.

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Now, with respect to the last one, which is a bit more complex, on providing advice; remember that we have been told over and over again that we are to provide quote "individual advice," remember? We can't provide consensus advice.

So the committee tried to develop a way in which we can still provide individual advice, but expressed in the form of a consensus. And it's a matter of recording and presenting, rather than a matter of saying that the RAB voted and its consensus was to provide certain advice. Because if we did it that way -- if you look at all the guidance that we have received -- you would be forced into a FACA committee kind of operation, which the consensus of the Organizational Committee was to avoid, okay.

It doesn't say that we cannot be a FACA committee. We can be a FACA committee; and I can present to you what the rules are of being a FACA committee, which is not that difficult. In fact, we've done everything -- if we adopt these Charter and Bylaws, we've done everything that the FACA legislation says we have to do, except one; and that is that members of the RAB will have to provide financial statements; and we wanted to avoid that.

FACILITATOR KERN: Yes.

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BOARDMEMBER BAXTER: I was sort of flipping through the minutes, and when I looked at how many things require -- through the minutes -- through the pieces of paper here, and when I looked at what required two-thirds vote, there's two-thirds vote of community members to terminate a community Co-chair; two-thirds vote of the total membership to make an amendment to the document; there's a two-thirds vote required for censure, of the community members.

So in general, the two-thirds votes are pretty much narrowly defined, and most of the voting, like on the other things, is assumed to be majority.

There is one point about the two-thirds majority that I think is of interest. When we're talking about "Membership is approved by two-thirds vote of the community members of the RAB present and in session," that's the only place that that's still left in; that equates under worse case scenarios to approximately eight or nine people; and most of the two-thirds votes, if they're two-thirds of the community members, it will be more like -- community members in general will be nine people; and if it's two-thirds of the entire RAB, it will be close to 14 people.

So that's to give you a sense of how many hands raised will make a difference.

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BOARDMEMBER ROSSI: No. No.

BOARDMEMBER BAXTER: Not majority. I'm talking two-thirds.

BOARDMEMBER ROSSI: Two-thirds of the total RAB, if everyone is present, is 32. Two-thirds of 32 is above -- is more than 14, okay.

BOARDMEMBER BAXTER: 32? Okay. I wasn't --

BOARDMEMBER ROSSI: If all of the community members that are signed up are present, there's 23, and two-thirds of 23 -- I don't know what it is --

BOARDMEMBER BAXTER: No, it's 60 percent for a quorum. But then if you have just a quorum -- and I said under worse-case --

BOARDMEMBER ROSSI: Yeah, under worse-case, if you have a quorum of community members, which would be 14, and then if you have a two-thirds vote of the community members, which would be 9; you're absolutely right.

BOARDMEMBER BAXTER: Yeah. Okay.

FACILITATOR KERN: Michael.

BOARDMEMBER WORK: Yeah, a different topic actually. I just wanted to say something about FACA, and that it was explained to me by an E.P.A. attorney who looked at the language.

If the group were to take a vote and there

1 were 23 people present, and 23 people all agreed; that
2 does not trigger FACA.

3 BOARDMEMBER ROSSI: No.

4 BOARDMEMBER WORK: If you tell the group they
5 have to meet until they reach consensus; that may trigger
6 FACA. And the reason for the "may" is the attorney who
7 advised me was not an expert in FACA, and he says it's a
8 little bit gray, and there's probably some lawyer in
9 Washington who could answer that definitely.

10 But as long as everybody understands the
11 purpose is not to achieve consensus, then you have not
12 triggered FACA.

13 FACILITATOR KERN: Is there any other
14 discussion on this motion?

15 Then I would ask that we vote on the motion.
16 And since this is -- I want to get a count. All in
17 favor -- do I need to repeat the motion?

18 BOARDMEMBER WORK: Please do.

19 FACILITATOR KERN: The motion is to adopt the
20 Charter and Bylaws as submitted; that is the motion on the
21 floor.

22 BOARDMEMBER ROSSI: And we had a second?

23 FACILITATOR KERN: And we've had a second,
24 yes, and I think it was from over here; and we have had
25 discussion.

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1 to adopt this, and we're going to --

2 BOARDMEMBER LEVINE: With revisions that can
3 be added.

4 FACILITATOR KERN: All right. Adopt the RAB
5 Charter and Bylaws as submitted with revisions that we
6 will discuss now.

7 BOARDMEMBER BAXTER: But what revisions?

8 BOARDMEMBER HORENSTEIN: Revisions that we
9 can discuss now.

10 FACILITATOR KERN: Let's all finish.

11 BOARDMEMBER LEVINE: Let me finish speaking
12 please, you know; because this is exactly why you have to
13 adopt some rules here. The first thing you have to do is
14 to open up and get a motion and say you want to adopt it
15 for a vote, you want to adopt it with revisions; then you
16 can discuss the revisions. First you have to do that.

17 So I've made a proposal that we adopt this
18 with revisions, and that's where it stands right now.

19 FACILITATOR KERN: Do I hear a second on that
20 motion?

21 BOARDMEMBER HORENSTEIN: I second that motion

22 FACILITATOR KERN: All right. Is there any
23 discussion on adopting this Charter and Bylaws with
24 revisions?

25 MR. MILLER: I just have a question -- point

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1 All in favor of the motion, please signify by
2 raising your hand so I can count. One, two, three, four,
3 five, six.

4 All opposed by raising your hand. One, two,
5 three, four, five, six, seven, eight, nine, ten, eleven.
6 The motion fails.

7 And so now I would like to hear another
8 motion about any revisions -- if we would like to adopt
9 this with revisions, or send it back to committee for
10 further work; and specific motions, and not general
11 discussion.

12 Yes.

13 MR. MILLER: Move to send it back to
14 committee for further work.

15 FACILITATOR KERN: Okay. There is a motion.
16 A motion has not been seconded, so that -- I
17 won't entertain discussion on that.

18 Any other motions on this?

19 BOARDMEMBER LEVINE: Adopt with revision.

20 FACILITATOR KERN: Okay. Could you state it
21 completely?

22 BOARDMEMBER LEVINE: Well, I think there is
23 some salient points that were brought up here. I think
24 that we can adopt it with revision.

25 FACILITATOR KERN: Okay. So your motion is

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1 of clarification, if you will. Do you mean revisions that
2 would make this moment-specific language?

3 BOARDMEMBER HORENSTEIN: Yes.

4 BOARDMEMBER LEVINE: Yes.

5 FACILITATOR KERN: Yes, Nina.

6 MS. KANNATT: I would suggest that in order
7 to get your meeting going, that you adopt the Charter as a
8 living document, with revisions to be made by the
9 committee, or proposed revisions to be made by the
10 committee.

11 I think this evening's discussion on the
12 first motion probably laid out the majority of your
13 concerns, and perhaps the committee can now go back and
14 review those concerns and make a proposal to the RAB at
15 your next meeting or a following meeting on what they have
16 come up with based on your recommendations that were
17 expressed during the first motion.

18 BOARDMEMBER HORENSTEIN: I think that's good,
19 except for the one point Scott made, and that's the
20 two-thirds to make amendments. I think there would be
21 some people that would buy into that if we change that to
22 a majority. And that would be a specific revision I
23 would -- and I think Scott's nodding his head yes, and I
24 think some other people --

25 MR. MILLER: I would support that.

1 MR. LEVINE: I think that the only thing that
2 we should do right now is, we have to vote on the revision
3 just as we did the first. If there's going to be
4 revisions, I agree that there may have to be some sort of
5 a change about the amendments, and I think that -- I'm
6 sorry. I don't remember your name either.

7 MS. KANNATT: Nina.

8 BOARDMEMBER LEVINE: We're strangers of the
9 night, you know.

10 But at any rate, I think what we should do is
11 to adopt this with revisions. Now, again, we have been
12 meeting until 11:00, 11:30 in the evening. We may not
13 want to be able to do this. I think the most important
14 thing is to get this in. I think the only thing that I
15 will take out is to say that the thing about amendments
16 should be just put into -- waived until the meeting, and
17 we can discuss this then.

18 But I would say adopt this, and let's have a
19 discussion on the two-thirds needed for amendments, and we
20 go from there. And then if that's adopted, then the other
21 things that we've discussed -- for instance, the
22 terminology about clean-up or restoration -- can then be
23 voted on as an amendment or whatever, because that seems
24 to be the big sticking point here.

25 FACILITATOR KERN: Yes.

1 BOARDMEMBER BLANK: I need to ask a
2 question.

3 FACILITATOR KERN: Yeah.

4 BOARDMEMBER BLANK: Does this inherently
5 address the comments that I made, that Park Service is not
6 specifically identified as a member of the RAB?

7 FACILITATOR KERN: I think so.

8 BOARDMEMBER BLANK: You're saying you're
9 going to correct that regardless of what --

10 FACILITATOR KERN: Yes.

11 BOARDMEMBER LEVINE: Yes. I think that was
12 worded so we can -- if we're going to adopt it --

13 BOARDMEMBER BLANK: Not as an amendment, but
14 a correction --

15 BOARDMEMBER LEVINE: No, not as an amendment.

16 BOARDMEMBER HORENSTEIN: Revision.

17 BOARDMEMBER BLANK: Thank you.

18 FACILITATOR KERN: Please --

19 BOARDMEMBER LEVINE: I'm sorry. You're
20 right.

21 FACILITATOR KERN: I lost it, whatever it
22 was, and if you could restate your comment briefly.

23 BOARDMEMBER LEVINE: What I'm saying is that
24 we adopt this with one provision, that the amendment
25 clause be held in abeyance until we discuss it; that's

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1 what I'm saying. Because if we can get that straightened
2 out, then all the rest of the contentious items can be
3 voted on after the amendment clause is straightened out.

4 FACILITATOR KERN: Okay. Well, as I
5 understand it then, we had a motion on the floor and it
6 was seconded to adopt this with revisions; and now we're
7 changing that. So with your permission -- since I'm
8 personally a little confused right now about this -- I'd
9 like to -- whatever the proper word is -- forgive me --
10 erase that motion that's out there.

11 MR. LEVINE: I withdraw the motion.

12 FACILITATOR KERN: Okay. Thank you. And if
13 you could restate it again succinctly for us --

14 BOARDMEMBER LEVINE: For a point of order --

15 FACILITATOR KERN: Yes.

16 BOARDMEMBER LEVINE: -- even with this type
17 of motion, can we make amendments to a motion?

18 FACILITATOR KERN: Well, I'm sure that's --

19 BOARDMEMBER LEVINE: According to Robert's
20 Rules, you can.

21 BOARDMEMBER ROSSI: It's in here; it's in
22 this.

23 BOARDMEMBER LEVINE: Okay. Now, what I'm
24 saying then, what I would like the motion to be is to
25 adopt the document with the provision for the

1 amendments --

2 BOARDMEMBER ROSSI: Without the provision for
3 the --

4 BOARDMEMBER LEVINE: Without the provision
5 for the amendments, and we'll have a further discussion on
6 the amendments in the Organizational Committee.

7 FACILITATOR KERN: Okay. There is a motion
8 on the floor.

9 BOARDMEMBER BALL: I had a question. If we
10 don't have a provision at all for amendments, does that
11 mean that there's no ability to make an amendment to the
12 document?

13 BOARDMEMBER HORENSTEIN: That's right.

14 Exactly. It would be a frozen document.

15 FACILITATOR KERN: That hasn't --

16 BOARDMEMBER HORENSTEIN: It's a good point.

17 FACILITATOR KERN: Right. All I was going
18 to say, Bennett, was nobody seconded that, so it doesn't
19 go anywhere.

20 BOARDMEMBER HORENSTEIN: That's a very valid
21 point. I think Scott and I -- a few of us thought of it,
22 if we leave it out, then this stuff is written in stone or
23 something. So I go back my majority revision, if Sol
24 could amend his motion to --

25 BOARDMEMBER LEVINE: I think the two-thirds

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1 vote that we need for amendments, after a discussion of
2 what we went through --

3 BOARDMEMBER HORENSTEIN: Let's just go to
4 majority.

5 BOARDMEMBER LEVINE: I feel very strongly
6 about this, that it has to be a little bit more than a
7 majority; it always has been in any kind of rule.

8 I will say this: I'll make a motion to adopt
9 this with a 60 percent -- it should be more than a
10 majority. Any organization that I've ever been in,
11 amendments are of considerable import --

12 MR. MILLER: Maybe I can clarify -- oh, I'm
13 sorry.

14 FACILITATOR KERN: Okay. There has been a
15 motion made and I haven't heard a second, so -- did I miss
16 a hand?

17 BOARDMEMBER ROSSI: Yeah, back there.

18 FACILITATOR KERN: I'm sorry. Please.

19 BOARDMEMBER GIRARDOT: I was just going to
20 make a comment that -- I don't know if you've noticed it
21 or not, but we're losing community members dropping like
22 flies from this RAB, and I think you're about to lose a
23 couple more if this kind of thing continues much longer
24 without our adopting some rules of order.

25 I've served on many task forces and I have

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1 is always going to be dominated by the same people because
2 so many community members aren't here. And I don't know
3 what the people who are afraid of two-thirds vote are
4 really afraid of. I would like that stated more clearly.

5 MR. MILLER: To the extent that that question
6 was addressed to me, could I respond to that?

7 First of all, this is the first meeting that
8 I really spoke up at, so I trust that your comments
9 weren't specifically addressed to ARC. But to the extent
10 that they were, ARC and Sierra Club are two votes. I
11 don't know the counts, but if it's 23 community members.
12 That still leaves 21, which is a far majority.

13 My concern is that the community will not be
14 represented because people will not show up from the
15 community. I'm talking about community members, whether
16 they're special interest; whether it's community groups,
17 neighborhood groups, or whatever; but those groups for
18 which the RAB is designed for; I think it is the full
19 extent of community people.

20 My concern with keeping the majority rather
21 than a two-thirds is strictly because I'm concerned that
22 the government agencies, whether they be regulatory or
23 otherwise, would dominate the decision-making process of
24 the RAB, or the process of the RAB. I want to keep it
25 community focused. That's my concern.

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1 never sat through ten meetings before where the
2 conversation has been totally dominated by four or five
3 people who are trying to dominate this RAB. Let's be
4 serious here. There's community members and there are
5 community members. And I don't think the Sierra Club is a
6 community member, for example; I think the Sierra Club is
7 a special interest group. And I don't think ARC is a
8 community member; I think ARC is a special interest group.
9 And that's fine, because there's a provision for
10 membership here by interested individuals and special
11 interest groups.

12 But the members from the old Technical Review
13 Committee have a lot of information to give us and we're
14 appreciative of that, especially when it's scientific
15 information. But when it's opinion, as a community
16 member, as a neighborhood person, I don't appreciate
17 getting all that opinion in these meetings.

18 The productive part of these meetings is when
19 we have presentations where we're learning something;
20 we're learning what the issues are. We've had three so
21 far out of nine meetings, and that's what I would hope we
22 would continue to do.

23 But the fact that so many community members
24 don't show up, or leave early, or whatever -- if we're
25 going to have a majority vote, my feeling is that the vote

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1 BOARDMEMBER GIRARDOT: There's only four such
2 people, aren't there?

3 MR. MILLER: No. I was curious -- I was
4 counting them up. I thought there were like ten.

5 BOARDMEMBER GIRARDOT: There's two
6 regulators, and the Army is one --

7 BOARDMEMBER ROSSI: One Army, Corps of
8 Engineers --

9 MS. KANNATT: The Corps is not a voting
10 member; AEC is not. You're looking at U.S.E.P.A.,
11 D.T.S.C., the Army -- I don't know if the Water -- is the
12 Water Board a member of your RAB? That's it. Four.

13 BOARDMEMBER ROSSI: Four people vote.

14 MS. KANNATT: Park Service.

15 BOARDMEMBER UNKNOWN: Well, what's Bill?

16 BOARDMEMBER BAXTER: I think he's called a
17 technical advisor.

18 BOARDMEMBER ROSSI: He's a non-voting
19 technical advisor.

20 FACILITATOR KERN: We're now disintegrating
21 here a little bit.

22 MR. MILLER: To answer your question, that
23 was my concern; it's not the community versus special
24 interest, because as far as I can tell, two special --

25 BOARDMEMBER GIRARDOT: No, but my point is:

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1 There's four people that you're categorizing as able to
2 block a vote -- or someone was categorizing was able to
3 block a vote, and I don't see that that's a concern.

4 FACILITATOR KERN: Yes.

5 MS. KANNATT: I'd like to make a motion that
6 the Charter be accepted as written as a living document,
7 so it's not frozen in time; with the committee to go back
8 and review the issues that have been raised here tonight
9 on the specific topics; and for the committee to come back
10 and make a presentation of their recommendations on each
11 of the specific topics raised to the RAB.

12 BOARDMEMBER LEVINE: I'll second that motion.

13 MR. MILLER: Can I ask a question?

14 FACILITATOR KERN: There has been a motion
15 and it has been seconded. Discussion on the motion,
16 please.

17 MR. MILLER: I just want to understand how --
18 the difference between Sol's original motion.

19 BOARDMEMBER LEVINE: Well, I think the -- you
20 see, we're not cast in stone. We're not a U.S. Congress
21 or the Senate. What is being said here is this: It seems
22 that the contention here is about the majority or the
23 two-thirds vote. I think we sit here and it looks like we
24 want to adopt these rules, so let's get on it with it;
25 adopt it. We're common-sense people. If we come up and

1 sitting in the Organizational meeting and say, "Okay,
2 these are the reason we'd like a two-thirds vote," or a 60
3 percent vote or majority vote, then I think we should
4 discuss it at the next meeting as part of the agenda.

5 But right now we need this. And it's obvious
6 why we need this, because we're sitting around here for
7 the last -- it's now 9:45 and we haven't gotten anywhere.
8 We've got to get this adopted now.

9 FACILITATOR KERN: Any other discussion on
10 motion? Yes.

11 BOARDMEMBER CHAN: Can the motion be -- can
12 it at least include D.O.I.'s concerns, that the wording be
13 changed as part of that automatically to reflect --

14 FACILITATOR KERN: Oh, I think that that's --

15 BOARDMEMBER CHAN: I just wanted to state it
16 for the record.

17 FACILITATOR KERN: Okay.

18 BOARDMEMBER ROSSI: Well, since someone will
19 probably have to do a lot of the writing here, I think
20 we're going to have to define what the topics are the
21 committee is to discuss and change the language, at least
22 in time, so --

23 BOARDMEMBER STUHMILLER: Can you restate the
24 motion? Can you just identify the --

25 MS. KANNATT: I can do that.

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1 FACILITATOR KERN: Okay. We're going to have
2 a restate of the motion.

3 MS. KANNATT: I'd make a motion on behalf of
4 the Presidio BEC that the Presidio RAB Charter and Bylaws
5 as presented this evening be accepted as a living
6 document; and to that extent, the Organizational Committee
7 should meet and review the following items and present
8 these items and their conclusions or recommendation to the
9 RAB as a whole: They should review the provisions for
10 amendments, and specifically the voting provisions to
11 amendments; they should consider a provision regarding
12 access to documents; they should consider a provision
13 regarding comments on draft documents; they should
14 consider a provision regarding the RAB's receipt of draft
15 documents at the same time as the regulators; they should
16 consider a provision regarding the Army's response to the
17 RAB membership's comments.

18 BOARDMEMBER O'HARA: Second.

19 FACILITATOR KERN: Is there discussion on
20 that motion?

21 BOARDMEMBER STUHMILLER: Can we add the Park
22 Service to that?

23 BOARDMEMBER ROSSI: Yes, I already wrote that

24 MS. KANNATT: To add the Park Service as a
25 member; and to address the issue of "clean-up" versus

1 "restoration" in the overall document.

2 MR. MILLER: Yes, that's what I was going
3 to --

4 BOARDMEMBER ROSSI: Now, wait a minute.
5 Further discussion.

6 FACILITATOR KERN: Okay.

7 BOARDMEMBER ROSSI: The item of "clean-up"
8 and the word -- I thought it was discussed, and just
9 because it was discussed doesn't mean it needs further
10 clarification because we clarified it over and over again.
11 Even in writing, I responded to the members of the
12 committee and others, to include Michael Alexander, to
13 include the BEC, as to why the word "clean-up" was chosen.

14 MR. MILLER: ARC was not privy to your
15 comments, so I have to say on behalf of ARC that I don't
16 think we've had an opportunity to comment. I don't see
17 why there's a problem with bringing that as an
18 issue.

19 BOARDMEMBER HORENSTEIN: There's not. I
20 think it's appropriate; that it stands as stated, and we
21 can discuss it further.

22 BOARDMEMBER ROSSI: Further discussion.
23 Don't shut me off and say there's no --

24 MS. KANNATT: It should be noted in the
25 motion as an amendment that these issues are to be looked

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1 at by the Organizational Committee, and they are to come
2 back with a recommendation as to whether or not changes
3 should be made, amendments should be made, or some
4 flexibility should be given to your document.

5 FACILITATOR KERN: Does everybody understand
6 the motion as it has been stated and restated?

7 BOARDMEMBER LEVINE: Can you repeat it again?

8 FACILITATOR KERN: No, I cannot repeat it.
9 I would like to ask for vote the vote. All in favor of
10 the motion, please signify by raising your hand.

11 One, two, three, four, five, six, seven,
12 eight, nine, ten.

13 All opposed to the motion, signify by raising
14 your hand. One, two, three, four -- the motion passes.
15 It will be sent back to the committee with those items to
16 be revised and then brought back to us to discuss.

17 BOARDMEMBER ROSSI: No, wait a minute. You
18 said it would be sent back -- what? The Charter and
19 Bylaws are being sent to committee for rewrite? Or are we
20 adopting the Charter and Bylaws this evening by this vote?

21
22 BOARDMEMBER LEVINE: Yes.

23 BOARDMEMBER ROSSI: Okay. And then the
24 committee's going to come back and make proposals with
25 respect to those topics and issues that were raised

1 tonight?

2 FACILITATOR KERN: That was my understanding.

3 BOARDMEMBER ROSSI: All right. So I
4 understand now the Charter and Bylaws have been adopted by
5 the RAB?

6 BOARDMEMBER GIRARDOT: Right.

7 FACILITATOR KERN: Very good.

8 BOARDMEMBER O'HARA: Move that we adjourn.

9 FACILITATOR KERN: There is a motion that we
10 adjourn the meeting.

11 Okay, the motion is failed.

12 We have just reviewed Item 4A. I would -- I
13 need a couple of seconds here to review this.

14 BOARDMEMBER HORENSTEIN: There's --

15 FACILITATOR KERN: Please.

16 BOARDMEMBER HORENSTEIN: Is there a motion to
17 end the meeting?

18 FACILITATOR KERN: No.

19 BOARDMEMBER HORENSTEIN: I think there's two
20 items at least we want to -- briefly here, from the Main
21 Installation Committee, on the legal workshops, just on
22 the dates or the progress -- especially the legal
23 workshop, if there's a date. And then there is the issue
24 of our next meeting.

25 FACILITATOR KERN: I think that we have a

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1 certain indication here by some of our members, and we're
2 about to not have enough people here to really have a
3 meeting. So I think for us to continue without
4 significant number of people here is going to be
5 difficult.

6 BOARDMEMBER HORENSTEIN: There's the issue
7 of: Are we going to have the next meeting? They may show
8 up and no one's going to be here.

9 FACILITATOR KERN: Right. Why don't we
10 entertain that one, and Nina has some comments from the
11 Army about the next meeting.

12 MS. KANNATT: As you are aware -- or may not
13 be aware -- Dave is not going to be available for the next
14 three weeks. Your next RAB meeting, as I understand it,
15 is scheduled for October 25th, and he requested that I
16 make a motion to cancel the October 25th meeting, and that
17 instead of having the meeting on October 25th, some of the
18 committees meet that have not had the opportunity to meet
19 more than once, such as the UST/FDS Committee, or the 637
20 Area Committee, or the Asbestos Lead Based Paint
21 Committee, since they haven't had the opportunity to
22 reconvene, and I understand, just from the conversation
23 here tonight, that there was a comment that UST wanted to
24 reconvene, but didn't have the opportunity.

25 This would afford an opportunity to do that.

1 Perhaps, the Organizational Committee could
2 meet again and come back with some recommendations.

3 I notice on the board over there that the
4 Main Installation Committee wanted to meet, I think, on
5 Wednesday, October 26th. Maybe instead of having two
6 meetings that week, that would be an opportunity to do
7 that.

8 So the motion -- well, we request -- I
9 suppose, we can vote on it -- that the Army -- the Army
10 requests that the October 25th meeting be cancelled.

11 For my part, and for the Army's part, we're
12 doing everything that we can to support you, and there's
13 just so much that personally I can do. I'm going to be
14 out of the office myself for a week and-a-half, and I have
15 my own RAB; and we want to do what we can, but I'd ask
16 that you understand and agree to cancel the October 25th
17 meeting.

18 BOARDMEMBER CHAN: Dave Wilkins is not going
19 to be --

20 MS. KANNATT: He's not available for the next
21 three weeks, yes, so he will not be available; and his
22 proposal was that committees meet on October 25th. And
23 then I believe that there's a legal workshop that's in the
24 works, and that there was some talk about putting that on
25 for November 8th, which would be actually four weeks from

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1 now; and then the next meeting being November 22nd.
 2 FACILITATOR KERN: Jan.
 3 BOARDMEMBER BAXTER: I would like to remind
 4 the members of the RAB and the Army who was here -- David
 5 evidently didn't mention this to you -- that the RAB
 6 approved a letter to be written to the Bridge District to
 7 present on October 25th. We sent that letter out; it was
 8 authorized by the RAB, and invited them to present on
 9 October 25th. At this point in time, we've had no rely.
 10 They may decide they don't want to, but --
 11 BOARDMEMBER FUENTES: I actually talked to
 12 Kary Witt, and he indicated that he's willing to do the
 13 presentation.
 14 BOARDMEMBER BAXTER: So we have someone
 15 willing to come in and talk to us about the Bridge
 16 District on October 25th, I guess, Romy?
 17 BOARDMEMBER FUENTES: So the Board wanted to
 18 be held on October 25th? Because he wanted a specific
 19 date.
 20 BOARDMEMBER BAXTER: That's what was decided
 21 by all the people that were here that it would be held.
 22 The others, I don't know about, but that was the date.
 23 BOARDMEMBER HORENSTEIN: And assuming that
 24 happens, the Army wouldn't have to arrange with a
 25 contractor to give a presentation. So really, all we need

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1 MR. MILLER: Has that been passed around
 2 already?
 3 BOARDMEMBER FUENTES: No, not yet.
 4 BOARDMEMBER BAXTER: And can I ask when the
 5 new date for that's going to be set?
 6 BOARDMEMBER FUENTES: Still November 8th.
 7 FACILITATOR KERN: So you're going to pass
 8 that information about keeping it the 25th, and having
 9 committee meetings after that, and then perhaps committee
 10 reports that we missed on this meeting.
 11 BOARDMEMBER HORENSTEIN: Yes. Maybe a
 12 presentation, short reports to bring everyone up-to-date,
 13 and then go to committee meetings.
 14 Is that kind of what I'm hearing?
 15 BOARDMEMBER LEVINE: Yeah. May I suggest,
 16 Bennett, that when you do this -- one of the things I see
 17 missing from these agendas -- if you could put some sort
 18 of time on this sort of thing, know where we're going and
 19 what it is --
 20 BOARDMEMBER HORENSTEIN: I think that's a
 21 great --
 22 BOARDMEMBER LEVINE: Yeah, I think, for
 23 instance, when we make up the agenda for the next meeting,
 24 put the time allocated.
 25 BOARDMEMBER HORENSTEIN: That will assist the

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1 is a room on that day; so that may work out without a
 2 great deal of logistical support required.
 3 MS. KANNATT: I suppose that if we could
 4 limit the meeting -- I request that we limit the meeting
 5 to a presentation by the Bridge District so that that
 6 person could present for you -- that that would be okay,
 7 if you would be agreeable to limiting the meeting to those
 8 issues.
 9 BOARDMEMBER CHAN: Suggestion to the
 10 Committee Co-chair: Limiting the meeting sounds
 11 appropriate if we can make a suggestion that the
 12 committees meet right after the presentation.
 13 BOARDMEMBER HORENSTEIN: That's a great idea.
 14 BOARDMEMBER CHAN: The standing committees.
 15 BOARDMEMBER HORENSTEIN: That's a great idea.
 16 Okay, why don't we do that.
 17 MS. KANNATT: And I guess the other question
 18 would be, there are some issues that weren't addressed
 19 tonight, and I suppose, you know, it wouldn't be a problem
 20 to add the committee reports after the Bridge District.
 21 BOARDMEMBER FUENTES: For the legal workshop,
 22 it might be appropriate to pass the proposed agenda,
 23 because people need to prepare for the presentation, and
 24 you want to, as much as possible, get feedback from the
 25 members on that proposed agenda.

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1 Facilitator. I think that's an excellent idea.
 2 FACILITATOR KERN: Roberta.
 3 BOARDMEMBER BLANK: Jan, you had put the Main
 4 Installation Committee down for 1 through 6. May I
 5 suggest that they meet after the Bridge District?
 6 BOARDMEMBER BAXTER: It's up to the Main
 7 Installation Committee. It's up to Jan Monagahn probably.
 8 BOARDMEMBER CHAN: I don't think it would be
 9 a problem.
 10 BOARDMEMBER HORENSTEIN: No, she can
 11 appreciate just one night --
 12 MS. KANNATT: Can I just ask: Who's
 13 coordinating with the Bridge District; have you received a
 14 response for the October 25th --
 15 BOARDMEMBER BAXTER: Okay, the Main
 16 Installation Committee sent the letter. That was sent out
 17 last week. Romy has talked somehow in that period of
 18 time -- I'm not even sure if they've had a chance --
 19 BOARDMEMBER FUENTES: Yeah. He called me and
 20 indicted that --
 21 BOARDMEMBER BAXTER: All right. So there's
 22 our response, which is in the letter.
 23 MS. KANNATT: Just so I understand what I
 24 need to do to help along this meeting, will Romy be making
 25 all the coordination efforts with the Bridge District from

1 here as the Main Installation --
2 BOARDMEMBER FUENTES: Well, if that letter
3 has been sent out, then they have to respond to that
4 letter.
5 BOARDMEMBER BAXTER: So I would assume we'll
6 be getting something in writing; but we may just --
7 BOARDMEMBER HORENSTEIN: Jan, did the letter
8 state who they were to respond to?
9 BOARDMEMBER BAXTER: Yes.
10 BOARDMEMBER HORENSTEIN: And that was to you?
11 BOARDMEMBER BAXTER: Yes, and it said I would
12 be calling on the 19th to confirm it. So I guess --
13 BOARDMEMBER HORENSTEIN: So you and Romy can
14 follow up on it?
15 BOARDMEMBER FUENTES: Romy and I can talk
16 back and forth.
17 BOARDMEMBER HORENSTEIN: And you can let Nina
18 know?
19 BOARDMEMBER FUENTES: He just wanted the
20 date, so October the 25th.
21 BOARDMEMBER BAXTER: 7:00 p.m.
22 FACILITATOR KERN: There is one other item.
23 There is a City Hall meeting on Thursday at 2:00 p.m.,
24 Room 228 at City Hall. I received a letter from Kevin
25 Shelly who's a member of the -- several of us did, and I

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1 BOARDMEMBER HORENSTEIN: I think an option on
2 that is at next meeting, to have an opportunity to bring
3 those issues up.
4 BOARDMEMBER LEVINE: Well, then as the acting
5 committee Co-chair, Bennett, why don't you put in like a
6 15- or 20-minute period that something important can be
7 brought up.
8 BOARDMEMBER HORENSTEIN: Kind of an update on
9 issues --
10 BOARDMEMBER LEVINE: Yeah, because there
11 might be something coming up --
12 BOARDMEMBER HORENSTEIN: Just an opportunity
13 at least to --
14 BOARDMEMBER LEVINE: Yeah. Because again,
15 this meeting we're going to on Thursday, I don't know what
16 will come out of it, but in case anything important does,
17 I think we should be able to be informed.
18 MS. KANNATT: Perhaps an update on the
19 meeting would cover that, and then any Organizational
20 issues addressed before or after the legal workshop on
21 November 8th; I'd suggest that that would --
22 BOARDMEMBER LEVINE: I think even with the
23 legal workshop, we should have a period, so anything that
24 comes up we can discuss.
25 FACILITATOR KERN: Any further comments?

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1 would recommend that we attend that meeting and present as
2 necessary, or as called on at the meeting.
3 Any of those here planning on going to that?
4 Okay, so we'll be represented.
5 Any other business that can't wait --
6 BOARDMEMBER LEVINE: Are we scheduling
7 another meeting beyond the 25th?
8 BOARDMEMBER BAXTER: November 8th, the legal
9 workshop.
10 BOARDMEMBER LEVINE: No, I'm talking about
11 beyond the 25th.
12 MS. KANNATT: November 8th is the legal
13 workshop, and then November 22nd is the next RAB meeting.
14 BOARDMEMBER HORENSTEIN: So we'll be skipping
15 one RAB meeting and having the legal workshop on that
16 date.
17 BOARDMEMBER LEVINE: Then that means -- what
18 that concerns me about is that for any other business that
19 we have through the RAB, that means we're going to be
20 delaying that for almost six weeks.
21 BOARDMEMBER HORENSTEIN: Yes.
22 BOARDMEMBER LEVINE: That concerns me, and I
23 think it's a concern of the other members. So if anything
24 does come up, we're not going to have any formal sessions
25 then until the 22nd of November.

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1 Okay, Scott.
2 MR. MILLER: Comments on what?
3 FACILITATOR KERN: Well, before -- I'd like
4 to end the meeting.
5 MR. MILLER: Oh, I just have a quick note for
6 the community members of the RAB, that ARC is planning to
7 have kind of a training session/discussion about two hours
8 in length on the RAB process, kind of boiling down some
9 of -- all these documents and all the general kind of
10 materials, but from a community prospective; just what is
11 the general scope of the RAB and what kinds of things are
12 typically involved in the RAB. And that's going to be for
13 all the Northern California RAB's, including all the
14 Bay Area RAB's. And I'd like to just let people know that
15 they expect that to be sometime in early November; and if
16 anybody is interested in attending that, or finding out
17 more about that, or having any comments about what they'd
18 want to see -- questions that they have, just let me know
19 and I'd be interested in whatever you have -- in passing
20 that on to ARC.
21 FACILITATOR KERN: Yes.
22 MS. KANNATT: Two quick things. One is that,
23 I would recommend that when your Organizational Committee
24 goes back and reviews the Charter and Bylaws -- something
25 that we did up in Hamilton -- meetings are from 7:00 to

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1 10:00, period; so people know when they're coming and when
2 they're going; and get in everything -- as much as you
3 can, and there's a definitive time for the meeting. Just
4 a little insight from another situation.

5 And lastly, we did have some handouts that
6 were prepared for you just on the environmental documents
7 that are being published. You can just pick 'em them up
8 on the way out. We don't have to discuss them. But I'd
9 hate that have them here and not be able to get that
10 information out to you this evening.

11 FACILITATOR KERN: I'd like to thank you for
12 your participation tonight. I think it was very helpful.

13 MS. KANNATT: You're very welcome.

14 FACILITATOR KERN: Yes, sir.

15 MR. MILLER: Are there draft documents that
16 need a response in the next month or so?

17 MS. KANNATT: To the extent of my knowledge,
18 I don't believe so; but I'm not saying that there weren't.

19 MR. MILLER: And the last thing is: What's
20 the status of the legal workshop?

21 MS. KANNATT: November 8th --

22 CAPTAIN STANTON: And in terms of the
23 scope -- my name's Captain Dave Stanton. I'm going
24 to be one of the people presenting at this legal
25 workshop --

1 FACILITATOR KERN: If we could just give
2 Captain Stanton a little attention here.

3 CAPTAIN STANTON: What you have in front of
4 you is a proposed agenda for the legal workshop coming up
5 on November 8th which was developed by an attorney for
6 D.T.S.C. We had a conference call last Friday with the
7 E.P.A. and D.T.S.C. and threw around some ideas. This is
8 just one set of ideas for what we are planning on doing on
9 November 8th. As you can see, it's a proposed agenda, and
10 we may be changing it, but --

11 MR. MILLER: With respect to that, if we're
12 not meeting formally until the end of November, if we do
13 have comments on adding something to the agenda, how would
14 we do that?

15 CAPTAIN STANTON: Well, you can get a hold of
16 the Presidio BEC, in this case Nina.

17 MR. MILLER: And what would happen then?

18 CAPTAIN STANTON: We'll consider them.

19 MR. MILLER: I thought last time, it was kind
20 of like a group --

21 CAPTAIN STANTON: No. The purpose of this is
22 a workshop; and what we're planning on doing is giving you
23 an overview of some of the legal issues that you need to
24 know about in the connection with the Restoration Advisory
25 Board. And we have three lawyers working on there.

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1 They're attorneys; they understand the statutes; that's
2 why they're developing this workshop from you.

3 MR. MILLER: From what agencies?

4 CAPTAIN STANTON: Well, from the Army, from
5 E.P.A. and from D.T.S.C.

6 MR. MILLER: The reason I raised the
7 question, I thought there was -- last time we spent about
8 15 minutes on a special community person talking -- and
9 he's not here -- so I just wanted to know -- it sounds
10 like it's been turned over to you, so I thought maybe
11 people -- and I thought there was some discussion --

12 CAPTAIN STANTON: No. We already had a
13 meeting with Bob Reinhard and others, where we sat down
14 and --

15 MR. MILLER: Okay. What was the result of
16 that?

17 CAPTAIN STANTON: This is part of the result
18 of that, because this is D.T.S.C.'s proposal.

19 BOARDMEMBER FUENTES: Well, actually, this
20 proposed agenda also includes Bob Reinhard's proposal.

21 CAPTAIN STANTON: Yeah, this proposal --

22 BOARDMEMBER HORENSTEIN: And it's a
23 workshop, so there's going to be an opportunity for
24 discussion. I mean that's, I think, the key; since it's a
25 workshop, it's not going to be just a presentation.

1 There's going to be an opportunity --

2 CAPTAIN STANTON: No. Exactly. And it's a
3 workshop, sure. There's going to be questions and answers
4 and things like that.

5 BOARDMEMBER LEVINE: The only thing I would
6 say is that we have two weeks to the October 25th -- if
7 there's going to be any comments about the proposed
8 workshop, I think we can make comments, and since Bennett
9 is our Community Co-Chair, to get to him if we wanted to
10 add some items, or whatever. Because this is the
11 procedure we have now.

12 BOARDMEMBER HORENSTEIN: Right.

13 BOARDMEMBER LEVINE: We have this. We have
14 Bylaws, people. Read your Bylaws.

15 FACILITATOR KERN: All right. So with that,
16 I would thank you for your participation tonight and --

17 BOARDMEMBER HORENSTEIN: Thank you, Doug.

18 FACILITATOR KERN: Thank you.

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20 (Proceedings adjourned at 10:04 p.m.)
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1 | STATE OF CALIFORNIA }
2 | COUNTY OF ALAMEDA }

3 | I, Theresa A. Darnell, C.S.R. No. 9966, in and
4 | for the County of Alameda, State of California,
5 | hereby certify that the foregoing proceedings in
6 | the within-entitled cause was reported by me, a Certified
7 | Shorthand Reporter and a disinterested person, to the best
8 | of my ability, and was thereafter transcribed into
9 | typewriting under my direction and supervision.

10 | IN WITNESS WHEREOF, I have hereunto set my hand.

11 |
12 |
13 |
14 | Date: Oct 28, 1994

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19 | Theresa A. Darnell, C.S.R.
20 | License No. 9966
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THE RESTORATION ADVISORY BOARD MEETING

CERTIFIED COPY

TUESDAY, OCTOBER 25, 1994

HELD AT

FORT MASON G.G.N.R.A HEADQUARTERS

SAN FRANCISCO, CALIFORNIA

7:09 P.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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MARTHA WALTERS
DAVID WILKINS
MICHAEL WORK

---oOo---

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PROCEEDINGS

BOARDMEMBER HORENSTEIN: The first item is Introduction of Facilitator. That's easy, because we don't have a facilitator this evening, for two kinds of reasons: One, this is a quasi meeting, two main objectives, and I think relatively easy, we'll be able to get through. One is a presentation by the Bridge District, and the other is breaking up into the committees at the end. So I think we'll be able to move ahead on that.

Joan wanted to make a quick comment.

BOARDMEMBER GIRARDOT: There is an announcement that on November 2nd at 7:00 p.m., there will be a public workshop for the Doyle Drive Intermodal Study that's being put on by the County Transportation Authority, and it will take place at Building A, here at Fort Mason. Again, that's November 2nd at 7:00 o'clock.

BOARDMEMBER HORENSTEIN: Okay. Next item's Approval of the Proposed Agenda.

BOARDMEMBER O'HARA: Before we move to that, could I --

BOARDMEMBER HORENSTEIN: Yes, Peter.

BOARDMEMBER O'HARA: Is this a meeting of the Advisory Board, or isn't it? Is it a meeting or isn't it?

BOARDMEMBER HORENSTEIN: I'd say it's a meeting.

BOARDMEMBER O'HARA: It's not a quasi meeting. It is either a meeting or it's not a meeting.

BOARDMEMBER HORENSTEIN: Okay. We'll call it a meeting. We can amend that.

Okay. The approval of the proposed agenda.

BOARDMEMBER LEVINE: There's one item that's left out, Bennett, and that is, we left something open at the end of last meeting when we had the proposed Bylaws, or adopted them. We had one question left out, whether we were going to have the amendments on a 60-percent basis or a two-thirds basis, and I thought that was going to be part of the agenda this time.

BOARDMEMBER HORENSTEIN: My understanding is that that will be taken up at the Organizational Committee at the committee breakdown sessions, and we can report back to the RAB. Is that everyone else's view -- thought?

Okay. Proposed agenda? Approval, motion -- do we have a motion?

BOARDMEMBER LEVINE: Motion to approve.

BOARDMEMBER MCKELROY: Second.

BOARDMEMBER HORENSTEIN: The agenda's approved.

Without further adieu, I'd like to introduce

1 Kary Witt of the Bridge District. He's the Environmental
2 Health and Safety Manager; he's going to facilitate their
3 presentation tonight.

4 I'd like to share everyone's appreciation for
5 them coming in advance.

6 MR. WITT: Thank you. I left some agendas
7 back here on the table kind of outlining the presentation
8 that we would like to make to you folks tonight. There's
9 also some copies of your booklet, Highlights, Facts &
10 Figures, that just kind of tells who we are and how we
11 came to be your neighbors here at the Bridge, and feel
12 free to take a copy of that. It's kind of a neat book.

13 I want to thank you for inviting us here
14 tonight. I know that from time to time I've heard about
15 this group, and it's nice to finally be here and tell you
16 about some of the things that we're doing. We're not part
17 of the Army; we're not part of the National Park Service,
18 but I think were a very prominent part of the Presidio,
19 certainly a prominent part of the history of Presidio and
20 San Francisco. And so we like to think of ourselves as a
21 participant and a part of this process that's going on,
22 turning the military basis into a national park, and
23 that's exciting for us.

24 We have several projects currently underway
25 or on the horizon that I think will be of interest to you

1 folks here, and we'd like to share some details of some of
2 those projects with you tonight. I want to introduce the
3 people that are here from the Bridge District to discuss
4 some of those projects.

5 Dan Mohn is our District Engineer, and he's
6 in charge of all of the capital projects that go on in the
7 Bridge District;

8 Merv Giacomini is Deputy District Engineer,
9 and soon will be District Engineer, upon
10 Mr. Mohn's retirement, which is imminent, coming up at the
11 end of this year;

12 Bob Warren is the Bridge Manager. He's
13 responsible for all the maintenance and operations of the
14 Bridge itself;

15 Mary Currie is our Public Information Officer
16 for the District;

17 And Tim Moore, who works with Mary in our
18 Public Information Department; those are good people to
19 know.

20 At this point I'd like to turn it over to Dan
21 Mohn who is going to discuss what I think is probably the
22 most important project to take place at the Golden Gate
23 Bridge for a long, long time, and that is the
24 strengthening of the Bridge for earthquake purposes. Dan.

25 MR. MOHN: I'd like to talk a little bit

5

6

1 about the history of the Bridge District and the Golden
2 Gate Bridge before I get into the seismic project; how the
3 Golden Gate Bridge came to be.

4 The Golden Gate Bridge came to be because
5 of people in the city and counties of San Francisco,
6 Marin, Sonoma, Napa, Mendocino and Del Norte wanted the
7 Bridge so badly, that in the beginning of the Great
8 Depression, they voted to put up their own personal
9 property; their dairies, their farms, their homes as
10 collateral to borrow the money to build the Bridge. The
11 people that were in this area at that time saw the need
12 and necessity and wanted the Bridge to the extent that
13 they were willing to go into debt, if necessary, to get
14 it. And this was after the State of California and the
15 Federal government both declared that the counties to the
16 north of San Francisco would never develop to the extent
17 that that crossing over the Golden Gate strait would ever
18 be a financial success. It would never be able to justify
19 the cost of such a crossing.

20 It was the envisionment of a far-sided
21 engineer, Joseph Strauss, who had never designed a bridge
22 longer than 300-feet long prior to the Golden Gate, that
23 brought about the Golden Gate. Now, his first attempts at
24 designing the Golden Gate Bridge didn't look anything like
25 this. However, with the help that he got from other

1 engineers, notably Leon Moissieff, the Golden Gate Bridge
2 evolved into the Bridge that you see today.

3 Strauss had some very significant inputs into
4 the Bridge as you see it today. Strauss retained the
5 architect from Berkeley, Irving Morrow, to help make the
6 Golden Gate Bridge a bridge different from any other
7 bridge that had been built at that time, a bridge that
8 would be suitable for the setting that it occupies, the
9 Golden Gate. And with the help of Irving Morrow and a lot
10 of other people, we have a bridge that is now a
11 world-class bridge. It's on the Register National
12 Historic Places, and it's being nominated by the National
13 Park Service for landmark status at this time.

14 Morrow designed what is now known as the art
15 deco architectural style of the Golden Gate Bridge; that's
16 the portal platting that hold in place over the portal
17 bracing; portal bracing -- all of this facade; that's not
18 part of the structure. That's added to have the Bridge
19 just for architectural effect. I think it does a very
20 effective job of setting the Bridge apart from all of the
21 Bridges of its time, like the San Francisco-Bay Bridge,
22 George Washington Bridge, other bridges of its era.

23 Strauss was also a far-sided historian.
24 When the Golden Gate Bridge was originally being planned,
25 old Fort Point here was abandoned, in a pile of brick

7

8

1 disrepair, and as far as anybody was concerned -- or
2 almost everybody was concerned at that time -- it could
3 have been taken out of there and the Bridge truss work
4 come all the way up to this point. Strauss made the
5 determination that that old fort had historical value --
6 and we all know the history of it now -- and should be
7 preserved. So he convinced the Board of Directors to
8 spend a little extra money and construct this arch over
9 the top of the fort so the fort could be preserved. And
10 today, of course, it's a world-class Civil War museum.

11 On October 17th, 1989, we had a bit of a
12 wake-up call from nature informing us how powerful nature
13 can be when it releases a bit of its stored up energy.
14 The Loma Prieta Earthquake, epicentered Santa Cruz, about
15 60 miles south of here, did a lot of damage to structures
16 that were much more modern than the Golden Gate Bridge.

17 The Golden Gate Bridge was designed during an
18 era -- in the late 20s, early 30s -- prior to the ability
19 of engineers to recognize and handle and design for
20 seismic loads -- dynamic loads, seismic loads and wind.
21 They had to more or less guess at these dynamic loads.
22 They had no problem at all with the gravity loads;
23 vertical loads, like the far-end trusses and whatever
24 else.

25 We suffered at the Golden Gate no damage

1 during the 1989 Loma Prieta Earthquake, but it did bring
2 to our attention the fact that we should take another look
3 to see what kind of vulnerabilities we may have, should we
4 have a 7.0 earthquake -- 7.0, 7.1 earthquake on the San
5 Andreas Fault, six, seven miles offshore, or anyplace
6 along that, between Point Reyes and South San Francisco,
7 what would happen to the Golden Gate Bridge if we had that
8 earthquake here. It's very probable that we will have
9 that size of earthquake, or several of them, in the
10 probably not too distant future. In the long-term, we can
11 anticipate that during the remaining life of the Bridge,
12 the Bridge will have to withstand a repeat of the 1906
13 Earthquake, 8 plus.

14 We're mandated by the State of California --
15 the Governor's Executive Order of the State of California
16 to retrofit the Golden Gate Bridge so that it will survive
17 a 7.1 earthquake with little or no damage and being fully
18 serviceable; that it will survive an 8.2 earthquake -- a
19 repeat of the 1906 earthquake -- and still be serviceable
20 and be repairable, and be able to be used for emergency
21 service immediately after the earthquake, as soon as we
22 can make sure that there hasn't been any major damage,
23 disaster damage from the earthquake, and be returned to
24 full service within a short period of time. The Governor
25 didn't define a "short period of time," but we have

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1 defined for ourselves that we would like to see a short
2 period of time something like between one and three
3 months, that it should be back to full service for at
4 least automobile traffic and light truck traffic.

5 To do all of this on a bridge the magnitude
6 of the Golden Gate, there are no codes, no textbooks to
7 tell us how to do this, so we had to go back and start
8 from scratch. We started first with the regional
9 seismicity, determining the faults in the area -- Hayward
10 Fault, San Andreas Fault, every fault in the area -- and
11 what are the potential of each one of these faults to
12 develop a sizable earthquake. We determined that while
13 the Hayward Fault was a potent fault -- it can produce
14 earthquake of pretty high magnitudes, and has in the
15 past -- it's the San Andreas Fault that's really the
16 trigger.

17 So with the information that we were able to
18 get, we retained from the specialists in the field, to
19 develop the seismic spectrum from the information first on
20 the seismicity.

21 Then we went to the geology. The original
22 geology during construction wasn't all that extensive.
23 Back in the 30s, drilling these deep holes through rock
24 was very expensive. So very little geology was really
25 known; most of it was guesswork on how the foundation

1 under the Bridge was originally founded. We did
2 extensive deep-hole borings to determine what the rock
3 formations were under the Golden Gate Bridge; and it
4 varies from very strong hard rock on the Marin side to
5 some very weak serpentine-type rock on the San Francisco
6 side. We've always known there was serpentine, but we
7 didn't know the depth or the boundaries of it.

8 Earthquakes act differently as the forces
9 travel, or the shock waves travel, through the different
10 types of rock. Like through the soft serpentine, the
11 shock wave will go about 4,000 feet per second. Through
12 this very hard rock, it will go about 10,000 feet per
13 second. In other words, it will travel from the Marin
14 tower base to the Marin backspan at a much higher rate
15 than it would travel through this area, coming from this
16 direction; it slows here and picks up there. So its
17 signature, its fingerprint, looks a lot different; the
18 Golden Gate Bridge being a long enough bridge that it will
19 have different support motions for each one of its support
20 points at the same time. So, it's like each portion of
21 the Bridge would be dancing to a different drum, or
22 marching to a different drum --

23 With this information, then, we can develop a
24 support spectra -- support motion spectra for each support
25 of the Bridge. This one that I'm showing you is for

11

12

1 San Francisco, the south tower of the Bridge, and this is
 2 about a 1906 earthquake that we're looking at here; 60
 3 seconds long. It starts with a lot of power in the
 4 beginning, and acceleration trails out, but the
 5 displacement -- the vertical and the horizontal
 6 displacement doesn't really start until about 45 seconds
 7 in the earthquake. Then the base of that south tower will
 8 be moving back and forth about 13-and-a-half inches. So
 9 with all this information, then, we can start determining
 10 where our vulnerabilities are on the existing structure,
 11 and what can we do to fix it.

12 On the main bridge, the suspension bridge, we
 13 have some areas of concrete piers at the base of the tower
 14 that need to be strengthened to keep the concrete from
 15 crushing under great pressure that will happen during an
 16 earthquake. The base plates in the tower legs themselves
 17 from the base of the tower up a couple of hundred feet --
 18 this is 250 feet up here, but perhaps about 150 feet,
 19 we've got to double the size of those base plates,
 20 strengthen those base plates. We have to put some extra
 21 stiffeners inside the towers down at the base.

22 The base -- the bottom of the towers
 23 themselves are held to the foundation by gravity, just by
 24 its own weight, which is considerable. During a major
 25 earthquake, it will tend to uplift from one side or the

1 other. Our choice was to try to hold it down to keep it
 2 from uplifting, or to go ahead, or to go ahead and let it
 3 uplift. When we tried to hold it down, we found that we
 4 just caused other problems up at the tower base. So,
 5 we're going to allow the base to uplift a little bit, and
 6 we have to guide that uplift with some large guides.

7 Now, all of this work that we're doing will
 8 be done keeping in mind that the Golden Gate Bridge is a
 9 historic structure and all of those values of the Bridge
 10 that make it historic must be preserved; and we're doing
 11 that. Most of the work will be concealed inside, or it
 12 won't change the nature or the looks of the exterior
 13 whatsoever.

14 At the roadway level, the main span -- if you
 15 can vision it -- is suspended from suspender ropes; it
 16 hangs from the suspender ropes. It doesn't have a
 17 direction connection to the tower, just a guide to the
 18 tower to keep everything lined up. During a major
 19 earthquake, that 4200 foot main span will be a battering
 20 ram and collide with the tower at this area and do major
 21 damage. So in that area, we must put what will look like
 22 shock absorbers from your car, only they're huge, to slow
 23 down that collision and dissipate that energy over a
 24 longer period of time.

25 On the back span, where the back span is

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14

1 actually pinned to the tower, it does the same thing
 2 over -- but not quite as much stress. We're going to
 3 remove that pin and allow the back span to swing freely,
 4 and also put some energy absorbing devices in there as
 5 well.

6 Essentially that's all that needs to be done
 7 to the main span, in addition to some stiffening on the
 8 upper width -- upper cross-bracing under the roadway
 9 between the stiffening trusses that you have to look very
 10 very hard to even find. And the type of work that we'll
 11 be doing will just be stiffening or strengthening those
 12 members.

13 Our most vulnerable areas are the viaducts
 14 on each end of the Bridge. This is the Marin viaduct.
 15 These are rigid structures on very high, rigid, framed
 16 towers. These towers are all riveted built-up members,
 17 typical of what was being designed and constructed from
 18 the late 1800s through the 1930s, 40s, and even a little
 19 bit in the 1950s yet. They don't perform well in
 20 earthquakes.

21 We did a considerable amount of analysis on
 22 these tall towers trying to figure out if we could
 23 preserve them, and we can't. These towers will have to be
 24 replaced completely. But we will replicate the original
 25 design with the replacement towers using modern materials

1 and modern construction methods. But as far as -- they're
 2 now laced. Riveted laced structures -- rivets have been
 3 obsolete for many, many years. They won't have any
 4 rivets in them. But they will look like the towers in the
 5 visual aspects. They will have the openings on the sides
 6 that are open; be solid-plate on the sides that are
 7 closed, and they -- in the broad sense, they will also
 8 have the same open and airiness that these towers do.
 9 They will be virtually an architectural duplicate.

10 At the tops of these -- one of these towers,
 11 we will place energy absorbing isolators, base isolators
 12 like they use in the bases of buildings. But when it
 13 comes to this, we'll put them between the tower and a
 14 superstructure to isolate the superstructure from the
 15 earth forces. So, you will see forces are then coming
 16 through the tower; won't be transmitted to the
 17 superstructure. The superstructure itself, parts of it
 18 will have to be strengthened as well, all the time
 19 preserving the architectural values that the original
 20 designers had in mind.

21 The arch over Fort Point is also a very
 22 vulnerable structure. It's a true arch, supported by pins
 23 at the base of each arch. There are no connections to the
 24 pylons on either side; they're just supported by pins at
 25 the base; and that's the way a true arch works. It's

1 top-heavy; it could tip out; it could uplift. It could
2 uplift on one side, the support pin would roll out and
3 when it comes back down, it will slap. And if it should
4 collapse, the damage to the main cable of the Golden Gate
5 Bridge could wipe out Fort Point.

6 So to retrofit the arch, we're going to take
7 out these pin bearings -- support the arch while we do
8 this -- take out these pin bearings and replace those pin
9 bearings with a base isolation system that will allow both
10 uplift, collateral and longitudinal motion, reduce the
11 stresses going into the arch. We can't reduce them
12 completely, to where don't have to do any work at all on
13 the arch, but we can reduce the amount of strengthening to
14 the structural members of the arch greatly by using the
15 base iso (inaudible).

16 The pylons that are on either side of the
17 arch -- this pylon has a tie-down in it that holds the
18 main cable in its correct position through all conditions
19 of loading and temperature. It needs to have a tremendous
20 amount of strengthening. This pylon that supports this
21 span of the viaduct, as well as -- these are 20-story high
22 structures, 20 stories high -- needs a certain amount of
23 strengthening too. We had hoped to be able to strengthen
24 these -- they're hollow, big hollow concrete tubes --
25 strengthen them on the inside.

1 We can not provide sufficient strengthening
2 on the inside, so we must steel jacket a good portion of
3 them on the outside. We will replace the old board
4 concrete finish with a new finish of the same type by
5 using an air-blown mortar over the top of the steel
6 cladding, and then imprinting the old form boards on that.
7 That's been done on several structures, including the
8 Colorado Street arch in Los Angeles recently, and it
9 comes out very, very well in duplicating the old type of
10 form work that was used in the era.

11 That completes my discussion very briefly on
12 the seismic project. It's a tremendous project with a
13 cost of about \$147 million. We set up our reserves so
14 that we will have probably in excess of \$35 million of
15 toll-payers' money to go into the project. The total
16 \$147 million is just too great of an amount for our
17 toll-payers to finance over a short period of time. So,
18 our goal is to complete the construction of this project
19 in five years, starting next year. So, we've appealed to
20 the Federal government for the funding assistant for the
21 remainder of the funds. We had hoped that we could get
22 enough funding from the Federal government during this
23 year's budget session to start the project early in 1995;
24 however, we were unsuccessful. So, it's our anticipation
25 now that we will start the project a little later in 1995

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1 using our own money for the first contract -- up-front
2 contract, and then continue to appeal to the Federal
3 government for funding assistance for the remainder of the
4 project.

5 Do you want to ask any questions now or
6 respond to questions later?

7 MR. WITT: It's probably easier just to have
8 a question and answer period at the end.

9 MR. MOHN: Okay. Thank you.

10 MR. WITT: What I'd like to do at this
11 point -- and I think you'll see as I move into this part
12 of the presentation why we put our lead clean-up project
13 in with the seismic retrofit project, because it really
14 is, or has become part and parcel of the same project.
15 But let me start out with just a little bit of history of
16 the Bridge District's lead clean-up project.

17 In May of 1992, it was reported in a local
18 newspaper that undesirably high levels of lead had been
19 discovered in soil underneath the north and south
20 approaches to the Golden Gate Bridge. The Bridge District
21 and the Golden Gate National Recreation Area both at that
22 point initiated our own independent surveys of the area,
23 which confirmed that there was, in fact, high levels of
24 lead in some of those soils.

25 Under a fence and post order issued by Cal

1 EPA, Department of Toxic Substances Control, the areas
2 with high lead levels in the soil were fenced off and
3 closed to the public, and they remain closed to this day.

4 The Bridge District, at about that same time,
5 believing that we wanted to move as swiftly as we could to
6 find out what was out there and to deal with it, engaged
7 the services of an environmental consultant, Entrix
8 Incorporated of Walnut Creek, California, to study the
9 nature and the extent of the contamination to help us come
10 up with a plan to eventually remediate it, or clean it up.

11 Working under the supervision of the
12 Department of Toxic Substances Control, and in cooperation
13 with the Army and the National Park Service, we now have
14 taken a close look at what's out there, and we have
15 developed an overall strategy for dealing with the lead
16 situation.

17 The seismic retrofit project was well
18 underway, in the design stage, at about the time that lead
19 became an issue for us, so that our strategy for cleaning
20 up the lead kind of had to factor in this scheduled start
21 of seismic construction, which was originally scheduled to
22 be very soon here, and it's now towards the middle of
23 1995. To accommodate that and avoid any possible delays
24 to the seismic project, we broke the lead clean-up project
25 into two distinct phases, and I'll talk -- I'll be

1 referring as I go through this to Phase I and Phase II.
 2 Phase I is designed to remove lead
 3 contamination from those areas that are going to be used
 4 for access, staging and construction during the seismic
 5 retrofit project. And that is a geographical area that's
 6 more or less defined, you know, several dozens of feet on
 7 either side of the drip line of the Bridge, and then some
 8 of the roads and staging areas. But it's not a huge, all
 9 encompassing area.

10 It's been determined through human health
 11 risk assessments that the levels that exist in many of the
 12 seismic construction areas right now are higher than would
 13 be safe for construction workers to go out, particularly
 14 because the seismic retrofit project is going to involve
 15 some extensive excavations around some of the tower
 16 footings on the north towers, which Dan was showing you
 17 some pictures of. Therefore, we feel that we need to go
 18 in and clean those areas up to a level that is safe for
 19 those people to go in before the start of seismic
 20 construction, which has really put some urgency to this
 21 phase of the project.

22 Phase II, then, is that portion of the
 23 study -- or that portion of the project where we will look
 24 at some of the bigger, more global issues; find out how
 25 much lead is out there, how far has it gone, and determine

1 what we do kind of with the bigger picture.
 2 And what I'd like to do is discuss Phase I
 3 and Phase II in just a little more detail. We have now
 4 completed in the Phase I areas -- I'm talking about
 5 Phase I now -- we have now completed for the Phase I areas
 6 a thorough characterization of the lead contamination.
 7 We've performed human health risk assessments to determine
 8 appropriate clean-up levels; and we have developed a plan
 9 for dealing with lead contamination in those construction
 10 areas. And again, this strategy is focused on preparing
 11 the area for the seismic retrofit project, and providing a
 12 safe environment for the retrofit workers, and also
 13 leaving the area safe for the visitors who will use that
 14 area for recreation once the seismic retrofit project is
 15 completed.

16 The basic activities -- very quickly -- that
 17 will be involved with Phase I are, first of all, within
 18 the boundaries of the Phase I project area, removal of any
 19 soil that is contaminated above the level that our risk
 20 assessments have determined is safe. And we will simply
 21 remove that soil. One of the things that we've
 22 incorporated in the Phase I plan that I'm kind of excited
 23 about is, rather than simply scooping this stuff up and
 24 hauling it off to a hazardous waste site somewhere, we
 25 have proposed to do on-site treatment of this material

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1 by taking this contaminated soil and stabilizing it with
 2 various different proprietary chemistries, pozzolonic
 3 (phonetic) compounds, silicates, other chemicals which
 4 physically and chemically bind the lead and make it
 5 nonleachable, nonbioavailable, and basically render it
 6 inert, and safe to leave on-site under uncertain
 7 circumstances.

8 We are also looking right now at some other
 9 technologies that are just now emerging which involve
 10 actually chemically treating the soil to remove the lead
 11 altogether and leaving us with clean soil that can be
 12 simply redistributed back on the site.

13 What we're proposing to do with this soil
 14 once we've scooped it off using pretty traditional heavy
 15 equipment, you know, dozers and smaller tractors --
 16 we're dealing with some topography, so we might get into
 17 even hand tools in some areas. Once we have treated that
 18 material, we will need to stockpile it on-site for a
 19 certain period of time. And what we have proposed as the
 20 final disposition of that soil is to actually put it in as
 21 backfill into these giant excavations that are going to be
 22 created when we excavate to work on the foundations of the
 23 tower supports. Those provide an excellent area for this
 24 material to be disposed of.

25 Once the material has been placed in the

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1 excavation, then a clay -- impermeable clay cap would be
 2 placed over the entire excavation so that rain water would
 3 not be able to percolate down and percolate through, even
 4 though the material has stabilized and we don't believe
 5 that leaching would be a significant problem.

6 Because the Phase I activities are so
 7 critical to the seismic retrofit project, and because they
 8 really are an integral part of site preparation for the
 9 seismic retrofit project, we are conducting a NEPA/CEQA
 10 review for the lead clean-up Phase I project in concert
 11 with the NEPA/CEQA review for the seismic retrofit
 12 project. And in just a minute, I will go over the
 13 schedule for that review.

14 Phase II is not quite as well defined at
 15 this point in time because we have been focusing our
 16 energy and our efforts on coming up with a plan for
 17 Phase I because of the urgency of the seismic schedule.
 18 But what we have proposed for Phase II is, first of all, a
 19 remedial investigation. We need to go out and find out
 20 what is out there. We have proposed step-out sampling to
 21 determine the lateral extent of lead contamination. We've
 22 proposed some vertical sampling, although we've done quite
 23 a bit of that and we don't believe that the lead has
 24 migrated downward past about 10 or 11 inches. That's
 25 about as deep as we have significant levels of lead. And

1 we've also proposed limited shoreline samplings at
2 drainage outfalls to simply determine whether that's an
3 issue that we ought to be concerned about or not.

4 Then using the information gathered during
5 this remedial investigation phase, we proposed to apply
6 both human health and ecological risk assessments to help
7 us arrive at an acceptable level; and it's possible that
8 there may be various levels for various areas. For
9 instance, areas that are going to be used for recreation,
10 for picnicking, et cetera, would probably have a much
11 lower clean-up level than areas that are completely
12 covered with poison oak. But we would use both the human
13 health and the ecological risk assessments to arrive at
14 them.

15 Then we simply go through the process of
16 looking at all the technologies that are available to help
17 us meet that clean-up goal; deciding on a technology;
18 proposing it; going through the approval process to get a
19 Remedial Action Plan approved for that project.

20 Let me talk just briefly about the schedule
21 for these things. Currently, the Draft Remedial Action
22 Plan for Phase I has been completed and is undergoing
23 administrative review by the Department of Toxic
24 Substances Control. We anticipate having all of the
25 review cycles completed and to have that document -- the

1 Draft Remedial Action Plan, plus the associated NEPA/CEQA
2 documents, the Environmental Impact Documents, out for
3 public review early next year, January, maybe early
4 February of 1995. And this process, you know, will be the
5 typical public review period. It will involve at least
6 one public meeting on the subject of the lead clean-up.

7 If everything goes well from that point on,
8 what we hope is that we will be in a position to actually
9 put the construction bids out -- invite construction bids
10 for the actual clean-up work in the early spring, and be
11 ready to start construction midsummer, and that would
12 accommodate the start of seismic retrofit construction
13 then in the fall of 1995.

14 With respect to Phase II, currently a draft
15 work plan for the remedial investigation portion of
16 Phase II has been submitted and is under review by the
17 Department of Toxic Substances Control. We hope to have
18 approval to proceed with our remedial investigation, field
19 sampling, et cetera, by April of 1995. We'd like to -- we
20 would then go into the risk assessment phase, and we'd
21 like to have final approval and establishment of the
22 clean-up parameters we're thinking by September,
23 approximately, of 1995. And then if everything goes well
24 from then, following the administrative and public review
25 processes, we'd like to see final approval of a Remedial

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1 Action Plan by the summer of 1996, and that would put us
2 in a position to get the contracts in order and actually
3 start whatever clean-up may be required in the Phase II
4 areas sometime late in 1996.

5 And I will say that I think that, on paper,
6 these schedules look doable. As everyone in this room
7 knows, in this business, sometimes you end up with a
8 project in the end that you don't even recognize as being
9 your project. And so I think they're optimistic
10 schedules, but we're going to try to make that work.

11 So I think we'll move along and I'd be happy
12 to answer any questions that you have afterwards. Merv.

13 MR. GIACOMINI: Thank you. I'd like to fill
14 you in on another project which is the toll plaza
15 improvement, and we're only bringing it up because it's a
16 project that's very close to the seismic project in the
17 time.

18 The toll plaza that you see today, that we go
19 through, is nothing similar to the original toll plaza of
20 the 30s that had six lanes in, six lanes out; very
21 restricted. It's been widened a number of times. In the
22 60s, the toll plaza was changed to one-directional tolls.
23 In 1969, also, as a traffic figure for increasing
24 dramatically, and projected to continue to increase, the
25 State legislature authorized the District to form a

1 transportation district, and as a result of that, surplus
2 tolls were used for bus and ferry transportation. At the
3 present time we have something in the neighborhood of 256
4 buses and three ferry boats.

5 So with that change in our mission, we were
6 then able from the -- through the 70s to the present time,
7 to fairly well maintain traffic levels on the Bridge. And
8 of course, to manage that traffic better, we have
9 counter-flow on the Bridge for commute traffic; we went to
10 commuter tickets. All those have improved our traffic
11 situation. This present project is to enhance traffic
12 flow and traffic safety.

13 One of the things that it does up front is
14 that it resurfaces the toll plaza, which is rough and
15 irregular at the present time, and adds an additional
16 toll booth. There's 11 toll booths southbound right now.
17 We would add a 12th toll booth, and we do have primary --
18 I know you can't see this very well, but this is the east
19 side, the bay side; here's the administration
20 building; here's the toll plaza up here. And what we're
21 trying to do is to improve the northbound traffic flow,
22 particularly in the summer weekend periods where we are
23 jammed up northbound, and then we can't turn around quick
24 enough to handle the traffic southbound. So by widening
25 on the east side, and improving the on and offramps;

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1 creating a new bus stop out the roadway. And then
2 additional lanes to the east, we're able to improve that
3 flow. And then by adding the 12th lane toll booth
4 southbound, we're then able to provide for that flow.

5 This will not only enhance the weekend
6 situation, particularly during the summer or tourist
7 season, but will enhance the commuter flow through the
8 toll plaza. And what it does also, it takes the
9 northbound lanes and puts the motorist in a lane that they
10 can follow through onto the Bridge structure.

11 That's kind of it in a nutshell. I know you
12 have limited time, and I'd be happy to answer questions
13 later.

14 MR. WITT: I've asked Bob Warren to talk just
15 for a few minutes about kind of the history and future of
16 maintenance and operations at the Bridge.

17 MR. WARREN: I'd just like to talk about what
18 we call the routine maintenance. The bridge is kind of
19 like the vehicles that cross the Bridge; the older it
20 gets, the more maintenance it requires.

21 In the early history days of the Bridge --
22 the early history, maintenance consisted mainly of just
23 touch-up painting. We had a very small crew; probably
24 three or four painters, a few iron workers, a couple
25 electricians and an auto mechanic. That was the total

1 maintenance force of the Bridge. They all worked out of
2 what is the administration building.

3 Back about in 1955, we constructed a
4 maintenance shop -- what is now used as a maintenance
5 shop. Back then it was constructed solely as a garage, a
6 place to store vehicles. But since the maintenance needs
7 were increasing, we have now converted that building into
8 a shop where the iron workers, the auto mechanics and
9 where the operating engineers work. Merv is going to talk
10 in a few minutes about our future needs for that facility.

11 In 1970, the District recognized that the
12 corrosion on the Bridge was getting way ahead of allowable
13 limits. We had to start on an extensive sandblasting
14 program, which unfortunately created the lead problem that
15 Gary talked about. This program was done in conjunction
16 with the iron workers replacing corroded rivets with
17 galvanized high-strength bolts; replacing minor elements
18 of the Bridge, like lacing bars, gusset plates that had
19 corroded, with new material.

20 That whole project is just about complete at
21 this time; probably within this year, we will completely
22 wrap it up. That doesn't mean the painting of the Bridge
23 is over. Painting will always be required,
24 unfortunately. It's just the nature of the beast with a
25 steel bridge. And unfortunately, due to environmental

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1 regulations, it's getting harder to paint the Bridge and
2 harder to protect the Bridge. The types of paint that we
3 can use now do not provide the protection that older
4 paints provided. The environmental regulations on
5 sandblasting require us to use vacuum-type equipment now;
6 you have to have more extensive equipment; it requires
7 more maintenance for this equipment. So, I do not see
8 anything in the near future, or the distant future of our
9 maintenance level ever decreasing on the Bridge. If
10 anything, it will increase. Right now we have about 100
11 people in our craft department just doing maintenance on
12 the Bridge, and that number should pretty much stay
13 constant.

14 Merv, you want to cover a little bit about
15 the future shop?

16 MR. GIACOMINI: I know this is going to be
17 difficult, but this is out of the G.G.N.R.A. Presidio
18 Plan. Looking primarily at the west side of the toll
19 plaza, here's the toll plaza, the administration building,
20 behind that is our maintenance facility. This is one of
21 the areas that G.G.N.R.A. looked at in their planning
22 process, with a strong interest in a plan to open this up
23 for public access, for two reasons; it has a view of the
24 Golden Gate; it also has historic artillery bunkers, the
25 coastal defense bunkers along this area; and we're nestled

1 right in there. As Bob has mentioned, our maintenance has
2 not decreased, but actually increased substantially. So,
3 we're not only nestled in there, we're packed in there
4 like rats.

5 What we have discussed with G.G.N.R.A. as a
6 part of their plan is to move these facilities across
7 Lincoln to the south in an area that's bordered here by
8 the freeway and Lincoln, and presently has -- if you're
9 familiar with the bowling alley -- on that site. So this
10 would be the site of our future maintenance area. We're
11 in the process of starting planning, conceptual design for
12 a maintenance facility in this area, in partnership with
13 G.G.N.R.A.

14 MR. WITT: That concludes the formal
15 presentation that we've put together for you folks.
16 I've asked Mary Currie, our Public Information Officer, to
17 kind of moderate our question and answer session, so
18 please feel free to ask any questions of any of us.

19 MS. CURRIE: Yeah, hopefully everybody jotted
20 down what they had as we were going through; there were a
21 lot of things briefly. So why don't we start over here.

22 BOARDMEMBER CHAN: The discussion of seismic
23 retrofit, there wasn't much talk about the San Francisco
24 viaduct side, over the Presidio itself. How far back --

25 MS. CURRIE: Why doesn't everybody kind of

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1 gather around, because I'm sure --

2 BOARDMEMBER CHAN: How far on Doyle Drive are
3 the supports going to be --

4 MR. WITT: Doyle Drive is not under
5 the jurisdiction of Golden Gate Bridge, but under the
6 jurisdiction of CalTrans, and I can't speak for CalTrans.
7 You probably know as much as I do --

8 BOARDMEMBER CHAN: Okay. So you go up to the
9 toll plaza and that's it?

10 MR. WITT: We go up to the 19th Avenue --
11 about a thousand feet south of the turnoff.

12 MR. GIACOMINI: However, I can tell you
13 CalTrans is in the process -- for the high viaduct, to
14 retrofit that seismically. I think they're in their
15 environmental process, Section 106 for historic
16 structures.

17 MS. CURRIE: Next gentleman.

18 BOARDMEMBER HEALY: A couple of you talked
19 about the life of the Bridge. I'm wondering what you
20 perceive to be the life of the Bridge as it stands right
21 now, and whether that's changed any from speculation or
22 expectation of 50 years ago.

23 MR. MOHN: I think that we can anticipate
24 that the Bridge will last at least another hundred years.
25 We can base that on looking at other bridges. Brooklyn

1 Bridge is more than 100 years old. Golden Gate Bridge is
2 just approaching 60 years old. With our level of
3 maintenance, there's no reason why the Bridge -- the
4 structural part of the Bridge shouldn't just be able to
5 last virtually forever. It will become probably
6 functionally obsolete before it would have to be taken
7 down for structural reasons -- that is, if we don't get
8 the big earthquake prior to retrofitting it, in which
9 case, we'll probably have to completely rebuild the
10 viaducts from scratch.

11 MR. GIACOMINI: There's been major repairs to
12 the Bridge. The suspender ropes have been replaced;
13 there's been a earthquake restrainer project; there's been
14 an overall restoration of corrosion; a new paint system;
15 and a replacement of the deck, the roadway.

16 MS. CURRIE: The gentlemen in the white
17 shirt.

18 MR. MILLER: I have a number of personal
19 questions I want to ask. I love the Bridge and I use it
20 everyday, but I'm not going to ask a question about that.
21 I am curious about the clean-up standards that were set
22 for the Phase I.

23 MR. WITT: Specifically --

24 MR. MILLER: What are they? You said they
25 were risk-based standards, and I just want to know what

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1 the numbers actually were.

2 MR. WITT: The number that we've arrived at
3 from our human health risk assessment is 1396 parts per
4 million.

5 MR. MILLER: That's for all soil --

6 MR. WITT: That's for all soil in the Phase I
7 project areas, and it was determined that that was
8 protective of seismic retrofit project workers -- what the
9 health risk assessment does is considers a lot of
10 different exposures scenarios, including G.G.W.R.A.

11 employees, Bridge District employees, future recreational
12 users of the area, and considers things like the amount of
13 time that they're going to be in the area, what they're
14 going to be doing when they're in the area.

15 The group that drove the risk assessment was
16 the seismic retrofit project workers, mostly because their
17 work is going to involve excavation, actually daily
18 contact with the soil. So it ended up that the level is
19 based on protection of those people first; but that level
20 will also be protective of users after the project's
21 completed.

22 MR. MILLER: You mentioned that there was a
23 land use base risk assessment. Is that for the Phase II?

24 MR. WITT: Phase II will have that land use
25 base risk assessment, and superimposed on top of that will

1 be a ecological risk assessment as well. So there are two
2 things that are entirely possible in the Phase II that we
3 see, one of which is the clean-up levels may be different
4 in the Phase II areas. Also, there may be different
5 clean-up levels in different areas, depending upon what is
6 the use, both ecological and human use of those areas.

7 MR. MILLER: Last related question: Is this
8 under any D.T.S.C. order, the clean-up of lead?

9 MR. WITT: No. Currently, at this point,
10 it's proceeding as a voluntary clean-up.

11 MS. CURRIE: Yes, sir.

12 BOARDMEMBER LEVINE: Can we get any copies of
13 the draft work plans for Phase I and Phase II? Or where
14 can we get them?

15 MR. WITT: At this point in time, they're
16 just administrative drafts that are living documents
17 between us and D.T.S.C. There's going to come a point in
18 the near future -- probably sooner with the Phase I
19 document than with the Phase II -- when those will
20 actually become available for public review. And with the
21 Draft Remedial Action Plan will be the associated NEPA/
22 CEQA Environmental Review Documents, and then we'll
23 actually go through that whole formal review process.

24 BOARDMEMBER LEVINE: Let me go back to the
25 1396 parts per million.

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MR. MILLER: Yes, sir.

BOARDMEMBER LEVINE: What did they base that on? Because that's quite high.

MR. WITT: Well, I'm not a toxicologist and I know that it was developed by -- the State of California has a lead expert in Sacramento that our consultant worked with extensively using the State's model for health risk assessment, which is called Lead Spread Version IV, I believe. And it's a very complicated spread sheet. And I actually spent some time trying to understand it and I started to, but it considers many, many factors, including, you know, background lead levels that people are exposed to in their daily lives, superimposed on whatever lead they might be exposed to by working or recreating at the site; it includes potential exposure to lead in drinking water, both at the site and at home; it includes an evaluation of children who have a tendency to eat soil when they're in certain areas --

BOARDMEMBER LEVINE: Is there any documentation on this, or can we get a review of this?

MR. WITT: There will be. Documentation on the Lead Spread runs will be included with the Draft Remedial Action Plan --

BOARDMEMBER LEVINE: But we can't -- there's no way of getting the review now, or going to your office

and looking it over? Because I think it's quite critical, because this 1396 ppm's is quite high.

MR. WITT: The documentation is not in a state where we're, you know, releasing it for general review. It's still going back and forth between us, D.T.S.C. We've had G.G.N.R.A. and the Army because they're obviously very interested in this process.

MR. FUENTES: If they have questions about the specific models or the spread sheet, I could give you their phone number.

BOARDMEMBER LEE: Let me clarify; the model they're using is not children-based. What they're doing is they're taking the people that are most likely to be there, which will be working with the project, in a respirator I'd assume; you assumed background levels --

MR. WITT: No.

BOARDMEMBER LEE: -- or are you saying they're working without a respirator, the risk assessment you're using?

MR. WITT: The risk assessment -- the various scenarios that were assessed -- and I don't have the list in front of me, but there were numerous scenarios, and they were not assuming workers in respirators, although obviously it's a contaminated site. So the Phase I clean-up is going to be conducted, you know, in accordance

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with all the regulations on personal protective equipment, et cetera.

But the risk assessment considered recreational users on the site, visitors and all that. It was determined that it was the construction workers that ended up, after you run the Lead Spread with all these different scenarios, the construction workers had the lowest required clean-up level to be protective of them.

BOARDMEMBER LEVINE: The spread sheets, there wasn't any consideration for, not the workers, but other people --

MR. WITT: There was consideration for those people.

BOARDMEMBER LEVINE: I just don't quite understand about the respirator part here. Is this designed that the workers are not to have respirators, or do not have to have respirators?

MR. WITT: The workers will have respirators when they're doing the lead clean-up, because that's required when you're working on a clean-up of a contaminated site.

MR. MOHN: But, Kary, when it's been cleaned up, after --

MR. WITT: No, once it's below -- right. The workers on the clean-up will be following, you know, all

the usual precautions for working on a contaminated site. Once it's cleaned up -- and the whole idea here is we'll have the site cleaned up to this level that is found to be acceptable, and then the seismic retrofit workers can come in and work with no restrictions whatsoever.

MS. CURRIE: Another question.

BOARDMEMBER LEE: Question; are you still using lead paint?

MR. WITT: No, we are not using and haven't for --

MS. CURRIE: Bob, do you want to describe what we're using?

MR. WARREN: Lead paint hasn't been legal in California since 1970.

BOARDMEMBER LEE: Not even touch-ups, in small amounts?

MR. WARREN: No.

BOARDMEMBER LEE: The second question, is chromium -- have you tested for chromium?

MR. WITT: We have not tested extensively for chromium.

BOARDMEMBER LEE: Because the old paint they used to use on the Bay Bridge, they had -- I mean the Golden Gate Bridge, was it lead chromate paints at all, are you aware of? Or --

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1 MR. WARREN: I'm not sure what the content of 1 site.
2 chromium would have been. If anything, it would just be a 2
3 trace amount.

4 BOARDMEMBER LEE: Okay. I guess the other 4
5 issue, going back to the standards now, my understanding 5
6 now is for Phase I, once it's cleaned up and the retrofit 6
7 is completed, are you going to do another risk assessment 7
8 after that, using kids and tourists as your risk 8
9 assessment base, rather than workers? 9

10 MR. KITT: My understanding is that those 10
11 people were considered in the risk assessment, and that 11
12 1396 was found to be protective of the eventual 12
13 recreational users on the site as well. 13

14 BOARDMEMBER LEE: Now, the HUD guidelines for 14
15 housing now I think is about -- 200 parts per million -- 15

16 MR. WITT: Residential. 16

17 BOARDMEMBER LEE: -- and I find it hard to 17
18 believe you'd be -- you know, this is six times higher, 18
19 almost seven times higher. 19

20 MR. WITT: There's residential scenarios; 20
21 there's industrial scenarios; there are recreational 21
22 scenarios. And what is actually fed into the Lead Spread 22
23 model is time spent in contact with the soil, amount of 23
24 soil ingested during that period of time, plus certain 24
25 assumed backgrounds of people that are coming onto the 25

So that I don't think it's difficult to see
that you might have much lower levels in a residential
scenario where you assume that a child's in contact with
that soil as much as 24 hours a day, compared to the
recreational scenario.

BOARDMEMBER LEVINE: As a matter of fact,
it's even lower, because they're discussing a level of 100
at this particular time, and I don't think you could ever
say that a child who was there for 15 minutes, or 24
hours, is not affected by it, and I don't think that's
proper to say.

BOARDMEMBER HORENSTEIN: There is going to be
a public comment period.

MR. WITT: There is going to be public
comment period, absolutely. And the documentation that
lead up to this is certainly going to be available to you
to take a look at it and certainly comment on it.

MS. CURRIE: We'll jump to you.

MS. LAHREN: Did the Bridge District ever
study the extent of lead contamination prior to 1992?

MR. WITT: No.

MS. WASHINGTON: You said that you were
going to have an on-site treatment of some of the lead,
and then you would take that sand and put it in this film

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1 in these holes, and then you would cover it with something 1
2 like clay. Okay, now, is that covered? Because it's 2
3 possible that that sand might become contaminated again, 3
4 and if the rain hits it, it will drain out and get back 4
5 into the system again.

6 MS. WITT: It is -- I'm not sure I understand 6
7 your question about "become contaminated again." Lead 7
8 paint isn't being used, and very shortly, within the next 8
9 six, seven months, all lead paint on the Golden Gate 9
10 Bridge will be gone; there will not be any more lead 10
11 paint. So there isn't going to be any more lead 11
12 contributed to the environment. 12

13 The reason that we put a clay cap, or an 13
14 impervious cap -- sometimes people use asphalt; there's 14
15 all kinds of ways to approach this -- to prevent rain 15
16 water from percolating down through the fill and 16
17 potentially getting into the groundwater system. 17

18 MS. WASHINGTON: It has nothing to do with 18
19 the lead that was taken off the sand, the rain water? 19
20 I mean, the fact that you're putting the clay on there 20
21 would have nothing to do with the contaminated sand that 21
22 was cleaned up and put in there? 22

23 MR. WITT: Yes. Yes. You put the clay cap 23
24 on there as an extra precaution. You've taken the sand 24
25 and you've treated it, both chemically and physically, to 25

bind up the lead so that it's not going to leach into
water.

MS. WASHINGTON: The lead will still be in
there, in other words; is that what you're saying?

MR. WITT: The lead will be in there. We're
not -- now, we are looking right now at a technology that
unfortunately is not very well proven. But there are some
people who now have technologies that are just starting to
emerge where they can actually remove the lead, or
whatever metals, whatever they happen to be, remove it
from the soil, so that you're left with soil that just
doesn't contain the lead anymore.

Unfortunately, on the time line that we're
operating on, our tendency is to kind of focus on proven
technologies that are available that have been used in
hundreds of sites across the country, and use those
because they're available. We know that they work;
we know that they're acceptable to the regulatory
agencies, whereas to use a brand new technology often
involves quite a long trial and proof period.

MS. CURRIE: Did you have a question?

BOARDMEMBER CHAN: Yes. Actually two. One
is, I just want a clarification. I understand the Lead
Spread model -- and you put in scenarios. One of the
scenarios that you put in was recreational use. Was it at

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1 the present levels, or is that going to be at the
2 anticipated future levels? Because it goes back to Bill's
3 question about whether or not you're going to go back and
4 rerun the lead --

5 MR. WITT: What you do -- and again, I'm not
6 a toxicologist, but my understanding of the way this model
7 works is that you actually run it backwards. So that the
8 level that exists at the site today is immaterial. What
9 you do is all of the various parameters in this spread
10 sheet depend on other parameters in the spread sheet. And
11 the parameter that you fix -- the fixed variable when you
12 run it is this the blood-lead level of the people
13 involved.

14 So you fix the blood lead level at ten
15 micrograms per deciliter of blood, okay; and then you fix
16 other -- there are other knowns, such as typical lead in
17 drinking water; typical exposure to lead from soil in the
18 western United States, or in the San Francisco Bay Area.
19 You put in all the fixed variables and you run the model,
20 and what it spits out is the allowable level that you can
21 have on this site in order not to exceed ten micrograms
22 per deciliter in the blood.

23 So you don't actually use the current
24 parameters. You're determining what those parameters
25 should be based on the fixed variables that you specify,

1 and what the State uses is ten micrograms per deciliter.

2 BOARDMEMBER CHAN: But one of the parameters
3 has to be exposure?

4 MR. WITT: Yes, absolutely.

5 BOARDMEMBER CHAN: So, I mean, that -- you
6 have to put in a parameter based on the exposure, so where
7 did you get that from?

8 MR. WITT: That is based on -- we use a lot
9 of data, from visitor use patterns --

10 BOARDMEMBER CHAN: So what I'm asking is,
11 you're using one single recreational visitor exposure
12 level that's present, that's more based on present use or
13 anticipated future use? Because you might have higher
14 exposure levels when it's of a recreational area.

15 MR. WITT: I don't know the answer to that
16 question.

17 BOARDMEMBER CHAN: That goes back to why
18 you'd run the second --

19 MR. WITT: So you're saying that perhaps
20 people will use the area more in the future than they have
21 used it in the past?

22 BOARDMEMBER CHAN: Yes -- well, if they
23 opened it up and got rid of the maintenance shop,
24 obviously that's an area open to higher use.

25 MR. WITT: That's an area that's not included

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1 in --

2 BOARDMEMBER CHAN: Okay. I just wanted a
3 clarification that that was indeed what you were doing.
4 Okay.

5 The second thing is the stepdown for
6 sampling; you were talking about going away from the site.
7 What level are you going to sample out to, and how far
8 from you? I mean, is there a level that you're going to
9 stop because you're no longer concerned about that level,
10 or that area?

11 MR. WITT: Well, I'm sure there's going --
12 there's going to have to be a stop point. I'm not sure
13 what that's going to be at this point in time. And I
14 think, you know, you look at a lot of things. First of
15 all, we look to our regulatory agencies for guidance on
16 that, but also, we look statistically, as you step out,
17 what do the statistics start to look like, you know, how
18 fast is it falling out as you're stepping out, and things
19 like that.

20 Because pretty soon, you're going to get
21 outside of the possible sphere of influence. You know,
22 you might get into areas where it's just not possible for
23 the Bridge to have influenced the lead level in certain
24 places, even though there might be a lead level there.
25 There are a lot of potential sources of lead out there

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1 besides the Bridge. So, yeah, there's going to be a
2 cut-off and we don't know exactly how we'll approach that
3 at this point.

4 BOARDMEMBER LEVINE: Lookout Point, the two
5 areas, what about those? Have they done any testing
6 there?

7 MR. WITT: Lookout Point --

8 BOARDMEMBER LEVINE: I call it Lookout
9 Point --

10 MS. CURRIE: Vista Point, on the north side;
11 is that what you're --

12 BOARDMEMBER LEVINE: Yes. Are they doing any
13 testing there?

14 MR. GIACOMINI: We have tested there.

15 MR. WITT: I'm a little unclear on what
16 you're calling Lookout Point. Up above --

17 BOARDMEMBER LEVINE: Where the busses come
18 in, where they have the -- what's it called? Where the
19 tourist busses are, and those areas right off the Bridge.

20 MR. WITT: We have not done, to date,
21 sampling at Vista Point, and one of the main reasons we
22 haven't is it's a paved area. What we're concerned about
23 is soil lead levels, and we haven't looked --

24 BOARDMEMBER LEVINE: Okay. Then the next
25 question, what about the water levels in any of the

1 facilities that are connected to the Bridge, groundwater
2 levels and things of that sort?

3 MR. WITT: Certainly we're going to need to
4 look at groundwater levels --

5 BOARDMEMBER LEVINE: Have you done any?

6 MR. WITT: We have not. We've done some
7 Geotechnical work out there in connection with the seismic
8 retrofit project that's definitely going to have some
9 bearing on our clean-up of this project.

10 BOARDMEMBER LEVINE: Again, on the structure
11 of the Bridge -- not the seismographic part of it, but
12 where the painting was done in other parts, have they been
13 tested and the results on the -- what are they called --
14 the beam -- the steel structures -- the span --

15 MR. WITT: Yes.

16 BOARDMEMBER LEVINE: Has there been any
17 testing on those, outside of viaducts and things of that
18 sort?

19 MR. WITT: On the structure itself?

20 BOARDMEMBER LEVINE: Yeah.

21 MR. WITT: Yeah. We know that there is only
22 five percent, Bob? Of the Bridge in a specific area where
23 our paint problem -- we embarked on a program to
24 completely remove all lead paint from the Bridge and
25 replace it with a new paint system starting in about 1970;

1 and we know what areas we have done, and we've done about
2 five percent, and it's actually located on the main span
3 section that we're still working on.

4 Does that answer your question?

5 BOARDMEMBER LEVINE: So in other words, the
6 Bridge was tested for lead before 1992; they must have had
7 some lead testing at that time?

8 MR. WARREN: I don't know what you mean by
9 "lead testing."

10 BOARDMEMBER LEVINE: Testing for the presence
11 of lead on the Bridge.

12 MR. WARREN: Right. We knew that the
13 existing paint on the Bridge had lead. All paint in that
14 era had lead.

15 BOARDMEMBER LEVINE: Do you have any studies
16 that were done before 1992 about the content, or the -- of
17 the lead?

18 MR. WARREN: We know the make-up of the paint
19 that was on the Bridge; the old specifications for the
20 Bridge.

21 BOARDMEMBER LEVINE: Is that the only way
22 that you determined that there was lead on the Bridge?

23 MR. WARREN: Right.

24 MS. CURRIE: Let's take one more from
25 Mr. Miller.

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1 MR. MILLER: One is the follow-up on
2 groundwater. You mentioned that -- you were talking --
3 thinking about this -- I guess was there innovative
4 technology where you were looking at encapsulation and
5 putting the encapsulated leaded soil into the ground?

6 If that's the innovative one, I guess it's an
7 irrelevant question because you said you're not going to
8 go with that. But if you are, that's an option. The only
9 question I would have in regard to that: Is there a
10 possibility that that encapsulated soil would be below the
11 groundwater table?

12 MR. WITT: Two answer the parts of your
13 question, the method of stabilizing, chemically and
14 physically, the soil without removing the lead, but simply
15 fixing it chemically and physically, that's our preferred
16 option at this point in time.

17 The ones that we're investigating -- because
18 it's very interesting to us, but we're a little bit
19 skeptical because it's a little bit too new for us -- are
20 the technologies that involve taking the soil and actually
21 removing the lead by acid extraction. It's an interesting
22 technology, and I believe that 10 or 15 years from now it
23 will probably be the preferred technology on sites such as
24 this. Unfortunately, we don't have time to wait for that
25 to happen.

1 With respect to the groundwater tables,
2 certainly that is something that -- you know, we've got
3 our Geotechnical borings and we're testing groundwater
4 levels, if any, in that area; and that's a major
5 consideration. You don't just place stuff in the
6 groundwater table. If you're in the groundwater, there
7 are certain things you can do to provide a cell that's
8 safe groundwater flowing through it, but you know --

9 MR. MILLER: Just a pure factual question on
10 the consultants. You said -- you listed Entrix as one
11 consultant. Is there a different one for risk assessments
12 and are there other ones you're proposing for any
13 additional work, for Phase II, for instance?

14 MR. WITT: The prime consultant on this
15 project is Entrix, but they employ subcontractors,
16 numerous subcontractors in various areas of specialty.

17 MR. MILLER: Do you know when the next
18 contract will be let for any of this work? Or rather
19 requests for proposals be sent out?

20 MR. WITT: I don't anticipate any until we
21 get to the point of actually asking for bids on the
22 clean-up and treatment; so the actual construction phase
23 of project would be the next one.

24 MS. CURRIE: One quick question.

25 BOARDMEMBER GIRARDOT: Yeah, it's completely

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1 off the clean-up issue.

2 MR. WITT: Thank you.

3 BOARDMEMBER GIRARDOT: It's for the -- a
4 question and follow-up. Did we have 12 toll plazas in the
5 past?

6 MR. GIACOMINI: Yes. There was a time when
7 there was 12 toll booths. Because one of the things that
8 I didn't mention that's also happening is we're having --
9 previously our commute was in in the morning and out at
10 night. Now, we're having a counter-flow, with more people
11 going north in the morning commute and returning at night.
12 At one time we had --

13 MR. WARREN: Actually, there were 13 booths
14 originally.

15 MR. GIACOMINI: At one time we had just one
16 lane northbound in the a.m.

17 BOARDMEMBER HORENSTEIN: Well, on behalf of
18 all of us, we'd like to thank all of you really for coming
19 to our meeting -- an excellent presentation.

20 MS. CURRIE: Thank you. And we will keep you
21 apprised of the schedule for the public comment on the
22 seismic documents, as well as the lead. Thank you.

23 BOARDMEMBER HORENSTEIN: We're going to take
24 a break for about ten minutes.

25 (Recess)

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1 Main Installation, Restoration Committee Program; and
2 second is USD/FDS Site/Building 637 and Area Restoration
3 Program. So is this -- are the committees now going to be
4 duplicating efforts? If the Main Installation Committee's
5 looking Building 637 and the Underground Storage Tanks and
6 the Above-ground Storage Tank Committee is also going to
7 be having Building 637 as a site for consideration -- is
8 there something that we could discuss about that or --

9 BOARDMEMBER HORENSTEIN: Let's have another
10 committee -- I think the two committees --

11 BOARDMEMBER MONAGAHN: Yeah, we can talk
12 about that. This came out of -- well, Jan's our group
13 leader, and she's the one that came up with those
14 suggestions for our next meeting, and she couldn't be here
15 tonight, so I'm following --

16 BOARDMEMBER BALL: Well, maybe we could have
17 two committees meet at the same time.

18 BOARDMEMBER MONAGAHN: Yeah, anybody can come
19 to the committee meetings.

20 BOARDMEMBER HORENSTEIN: Joan.

21 BOARDMEMBER GIRARDOT: Yeah. Public
22 Outreach -- Jan had some notes and she's not here, but we
23 are ready, willing and able to publicize something the
24 minute we have something to publicize. So, we're waiting
25 for a list of the meeting dates, which we have, but

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1 BOARDMEMBER HORENSTEIN: The thought is we're
2 going to do briefly some administrative items, committee
3 report and look at the next meeting, and then close the
4 meeting, and then break out into committees, as the
5 committee members are here and want to take the
6 opportunity to do so.

7 We have committee reports, Main
8 Installation -- Jan Baxter's not here, so Jan Monagahn is
9 going to --

10 BOARDMEMBER MONAGAHN: I just wanted to make
11 an announcement that the next Main Installation discussion
12 group is going to be on November the 15th -- which is a
13 Tuesday -- before the next RAB, and it's going to be
14 on Building 637; Greg Bridgestock's going to be the
15 discussion leader, and it's going to be here.

16 BOARDMEMBER LEVINE: Can you repeat that
17 please, Jan?

18 BOARDMEMBER MONAGAHN: Uh-huh. On Tuesday,
19 November 15th; we're going to talk about Building 637, at
20 7:30, and that's the Main Installation Committee.

21 BOARDMEMBER CHAN: 6:30 or 7:30?

22 BOARDMEMBER LEVINE: Building 637 at 7:30.

23 BOARDMEMBER BALL: That brings up a
24 question, because one of the -- the descriptions of the
25 committees is that -- Number 2 -- the first committee is

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1 topics, and we were hoping to be able to get in the
2 November community newspapers an announcement about the
3 legal issues workshop. And I talked to Rena and she
4 contacted the Marina Times and the -- did you also -- the
5 Richmond Review for the legal issues workshop.

6 But other than that, we don't have anything
7 else to discuss at this time.

8 BOARDMEMBER HORENSTEIN: So we are going to
9 get in some sort of notice of the legal workshop --

10 BOARDMEMBER GIRARDOT: Yeah. The deadline
11 was this Friday, and she fax'd it over on Friday.

12 BOARDMEMBER FUENTES: Yeah. Last RAB
13 meeting, this draft agenda was handed out, and our
14 agreement was if there's any feedback or comments, to
15 provide it to the alternate co-chair. And I don't know if
16 people have talked to the co-chair about changes in the
17 agenda --

18 BOARDMEMBER HORENSTEIN: I have not received
19 any comments.

20 BOARDMEMBER FUENTES: So far we've scheduled
21 it on November the 8th, and the U.S.E.P.A. will be
22 discussing each about the Federal regulations, determining
23 the clean-up goals; and then a representative from
24 D.T.S.C. will do a presentation on State statutes on
25 clean-up.

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1 And also, I spoke with the Park Services, and
2 they declined on doing a presentation on BRAC clean-up
3 team concepts. So, the Army's doing that, the last bullet
4 item on the proposed agenda. So that's all.

5 BOARDMEMBER HORENSTEIN: Okay. Open
6 discussion agenda items for the next RAB meeting, which
7 will be November 22nd. If we have any now, we can suggest
8 them. If not, we can contact David or Bob Reinhard prior
9 to the meeting.

10 Just one comment -- I don't know if
11 everybody got a copy of this final draft of the document
12 for RAB, this is a final signed one. I think there are a
13 couple changes that may be interesting, and particularly
14 one I found on page 11 where it talks about advice,
15 consensus or individual.

16 So we may want to briefly go over that. It
17 looks like it was a rather significant change from the
18 past guidance documents.

19 BOARDMEMBER LEVINE: Why don't you read it
20 off, Bennett?

21 BOARDMEMBER HORENSTEIN: Well, the
22 significant sentence

23 "The D.O.D. will consider all advice provided
24 by the RAB, whether consensus in nature or provided
25 on an individual basis, including advice given that

represents a minority view of members. However,
because D.O.D. does not intend for Federal Advisory
Committee Act requirements to apply to RABs,
consensus is not a prerequisite to RAB
recommendations. Each individual should provide
advice as an individual, not as a group. At the
same time, while consensus is not required or asked
of the board members, in the natural course of
discussions consensus may evolve."

So a fairly significant change, and I think
perhaps came about from our discussions here, and
contacting the D.O.D. people, and perhaps even a letter
David sent. So I think we may have done something rather
significant in the design of this RAB.

BOARDMEMBER BLANK: Are we still entertaining
ideas for the next agenda?

BOARDMEMBER HORENSTEIN: Yes.

BOARDMEMBER BLANK: Is the Army intending to
do a presentation on the supplementals, the fall-line
(inaudible) at some point?

BOARDMEMBER BUCK: Well, we wanted to discuss
that actually in the Main Installation subcommittees, but
I do -- we start that --

BOARDMEMBER BLANK: That seems like, you
know, it's the biggest thing before us right now.

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1 MR. BUCK: We are certainly able to do that.

2 BOARDMEMBER BLANK: I would propose that as
3 an item for the next agenda, I guess, subject to the
4 consensus of the committee.

5 BOARDMEMBER HORENSTEIN: Any other comments
6 or questions, thoughts? Motion to adjourn?

7 BOARDMEMBER LEVINE: Motion to adjourn.

8 BOARDMEMBER O'HARA: Second.

9 BOARDMEMBER HORENSTEIN: So adjourned.

10 BOARDMEMBER BLANK: I have another agenda
11 item. I was talking to Linda Finley-Miller today, and she
12 said that they would be willing to come and talk about,
13 you know, the compliance questions people had, because
14 she's one of the points of contact with the Army Corps of
15 Engineers for asbestos and lead-based paint clean-up. And
16 I don't know if people are still interested in that. She
17 seemed like she would be able to be real informative in
18 providing information on that. I guess we would have to
19 go through David to get her.

20 MR. WILKINS: Sure. The standing rule has
21 been that if any of the committees get together, and we do
22 have a Maintenance Activity and Compliance Operations
23 Committee, whenever they convene, and let me know what
24 they want to talk about; I'll do my best to make sure it's
25 arranged. So as of today, I haven't heard anything from

1 anybody.

2 BOARDMEMBER BLANK: So whoever's on that
3 committee needs to make the recommendation to you to have
4 Linda come?

5 MR. WILKINS: Just -- as with all the other
6 committees, sure.

7 MS. LAHREN: We really had our first
8 Compliance Committee meeting today, and I had spoken to
9 Linda and she said that they would come down. And I spoke
10 with Jan Baxter two weeks ago, and she said that due to
11 the nature of things that are coming up on the calendar,
12 that we should probably postpone the asbestos discussions,
13 presentations, until after the new year, because she said
14 that there were other things that we probably need to
15 discuss. So I was going to set that up --

16 BOARDMEMBER BLANK: Well, as long as you know
17 that she's available and willing to come and speak to us.

18 BOARDMEMBER HORENSTEIN: One final note,
19 there's a Project Manager's meeting tomorrow that Bob was
20 scheduled to attend, and he's not, and Leeann's agreed to
21 attend and brief us at the next RAB meeting.

22 And I think now with those footnotes, we're
23 adjourned.

(The proceedings adjourned at 8:45 p.m.)

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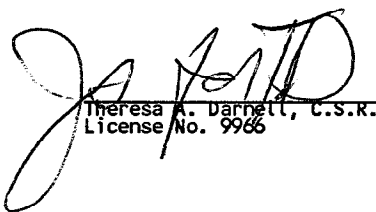
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3 STATE OF CALIFORNIA }
4 COUNTY OF ALAMEDA }

5 I, Theresa A. Darnell, C.S.R. No. 9966, in and
6 for the County of Alameda, State of California,
7 hereby certify that the foregoing proceedings in
8 the within-entitled cause was reported by me, a Certified
9 Shorthand Reporter and a disinterested person, to the best
10 of my ability, and was thereafter transcribed into
11 typewriting under my direction and supervision.

12 IN WITNESS WHEREOF, I have hereunto set my hand.

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15 Date: 11-16, 1994
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1 THE RESTORATION ADVISORY BOARD MEETING

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6
7 TUESDAY, NOVEMBER 8, 1994
8 HELD AT
9 FORT MASON, GGNRA
10 SAN FRANCISCO, CALIFORNIA
11 7:10 P.M.

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19 REPORTER'S TRANSCRIPT OF PROCEEDINGS
20 BY: LORI JORDAN, CSR. NO. 8275

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7 JANETTE BAXTER
8 ROBERTA BLANK
9 SAUL BLOOM
10 J. DENNIS BONNEY
11 GREG BRIDGESTOCK
12 JOHN BUCK
13 DEXTER CHAN
14 ROMY FUENTES
15 HEIDI GEWERTZ
16 JOAN GIRARDOT
17 MICHAEL HEALY
18 BENNETT HORENSTEIN
19 DOUG KERN
20 WILLIAM LEE
21 SOL LEVINE
22 ANDREW LOLLI
23 BRUCE MCKLEROY
24 HELEN MARTE-BAUTISTA
25 JAN MONAGHAN
WILLIAM LEE/SCOTT NAKAMURA
PETER O'HARA
ROBERT REINHARD
ARNOLD ROSSI
LARRY STUHL MILLER
BURNET SUMNER
LYNN SUER
ELLIS WALLENBERG
MARTHA WALTERS
DAVID WILKINS
MICHAEL WORK

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1 FACILITATOR BUFORD: Good evening,
2 everyone. I'd like to get started with tonight's
3 workshop, brought to you by the environmental
4 regulatory agencies, Department of Toxic Substances
5 Control, US Environmental Protection Agency,
6 Regional Water Quality Control Board, and the Army.
7 If you'd look at your agenda, I'd like to
8 go through that and let you know who will be
9 speaking on each of these items. The first,
10 Environmental Laws, the speaker for the United
11 States Environmental Protection Agency is Gavin
12 McCabe. He's the Assistant Regional Counsel for
13 US-EPA, Region 9. And for the State Department of
14 Toxic Substances Control, Orchid Kwei, who is the
15 Department of Toxic Substances Control attorney.
16 For the Regional Water Quality Control Board, Rich
17 Hiatt. Rich, there you are. Hi.
18 MR. HIETT: Yeah.
19 FACILITATOR BUFORD: Rich is from the
20 Regional Water Quality Control Board, and he'll be
21 talking about the Water Board's environmental
22 laws. And last but not least, Captain Dave Stanton
23 from the Army.
24 Can you all who have name plates turn
25 them so the court reporter can see who's speaking

4

1 and won't have to stop and ask your name. And for
2 those of you who don't have name plates, please,
3 when you get ready to speak, state your name so
4 that the court reporter can accurately report and
5 transcribe your comments or questions.
6 Also would like to ask that we get
7 through the presentation, and then the speakers
8 will answer your questions. And if -- is there is
9 anything that you'd like to say before we get
10 started? No? Thank you.
11 BOARDMEMBER WILKINS: Shirley --
12 FACILITATOR BUFORD: Dave?
13 BOARDMEMBER WILKINS: This is Dave
14 Wilkins. One quick thing. If you haven't received
15 or taken a copy of the Revised RAP for the Public
16 Health Service Hospital, there are extra copies up
17 there, so help yourself to those at the break or at
18 the end of the meeting.
19 FACILITATOR BUFORD: Okay. Thank you.
20 And so with that, we'd like to get started with
21 tonight's workshop, Summary of Environmental Laws
22 at the Federal Level, Gavin McCabe.
23 MR. MCCABE: I'm Gavin McCabe. And I'm
24 Assistant Regional Counsel at the EPA office in San
25 Francisco. Just to begin, I guess I'll try and be

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1 brief about these other environmental laws and move
2 on to CERCLA, and we will have questions at the
3 end. And I'm going to be fairly basic, so I don't,
4 you know, want to insult anyone, just trying to go
5 over it from very simple, basic levels to start
6 with.

7 So anyway, in general, the federal
8 environmental laws that we work with, the EPA, that
9 I work with, are regulatory in nature; you're
10 regulating ongoing activities, releases, Clean
11 Water Act, Clean Air Act. And the Resource
12 Conservation and Recovery Act, which regulates
13 management of hazardous waste.

14 CERCLA, which is the Superfund law, in
15 full, the Comprehensive Environmental Response
16 Compensation and Liability Act, is really different
17 in nature from those other laws in that it -- it's
18 dealing with unplanned activities, releases, and
19 hopefully one-time events, as opposed to regulating
20 ongoing activities. However, there are certain
21 provisions and other laws for responding to those
22 kinds of releases and emergencies.

23 Probably the most relevant federal law in
24 regard to this site would be the RCRA, the Resource
25 Conservation and Recovery Act, which provides

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1 authority for dealing with emergency releases of
2 hazardous waste from hazardous waste management
3 facilities, transporters, storage facilities, or
4 disposal facilities. And to the degree that CERCLA
5 may not cover the full spectrum of hazardous
6 substances that may be at a Superfund site as
7 so-called, RCRA authorities may be used to take
8 care of the remaining problems.

9 For instance, in CERCLA there's a
10 petroleum exclusion so responses under CERCLA would
11 not encompass any problems relating to petroleum.
12 But there are other laws for spills and then for
13 underground tanks where there's been leakage.
14 There's Subtitle I of RCRA. And those would
15 probably be the major laws having impact at this
16 facility in terms of coverage of what's out there.

17 Now as for Superfund, well, the first
18 question probably is what is Superfund? And I
19 think in general it's used to refer to the statute,
20 CERCLA. And it's a law that provides the
21 government with response authority to handle
22 releases, the threats of releases of hazardous
23 substances.

24 In particular, the Superfund refers to a
25 pot of money called the Hazardous Substance

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1 Superfund. This provides the operating money for
2 EPA responses taken under the laws. It's financed
3 in a number of ways. Some general appropriation,
4 but largely taxes on petroleum and chemicals. And
5 it's a revolving fund in the sense that it enables
6 the EPA to take actions using it, but then to seek
7 reimbursement from responsible parties to replenish
8 it, or also to clean up sites when there are no
9 responsible parties. And any money that we do
10 recover from responsible parties after we clean
11 something up is returned to the fund and not to the
12 US Treasury like most other federal funds
13 received.

14 However, as regards this facility,
15 subject to a couple of exceptions, CERCLA fund --
16 Hazardous Substance Superfund may not be spent on a
17 federal facility. There's that section of CERCLA,
18 Section 111-e -- e-3, which provides specifically
19 that no fund money may be used to pay for remedial
20 actions on federally owned facilities. So, that's
21 what the fund is.

22 The next question might be what is a
23 hazardous substance? And CERCLA came along, was
24 passed in 1980; statute was passed in 1980. And
25 what it did was rely on other laws really to define

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1 what are hazardous substances. So it refers to the
2 Clean Water Act, the Clean Air Act, RCRA, Toxic
3 Substances Control Act, as well as certain
4 substances listed in regulations published pursuant
5 to Superfund.

6 It's Section 101-14 of CERCLA that
7 defines what a hazardous substance is. It
8 basically references in all these other statutes to
9 define what is a hazardous substance. That section
10 also expressly exempts petroleum, including crude
11 oil and natural gas and related substances. And
12 the reasons for that exemption are -- lie in the
13 drafting of the statute and the influence of
14 various parties on how it got defined, I guess you
15 would say.

16 And so those types of things on a
17 facility like the Presidio would have to be dealt
18 with under different laws. You couldn't use
19 CERCLA.

20 Also, there are some limits on EPA's
21 ability to respond to certain substances, not
22 directly in the definition of hazardous substances,
23 but as an example, asbestos. In EPA's response
24 authorities which are under Section 104 of CERCLA,
25 it provides that EPA shall not respond to a release

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1 or threat of a release from products which are part
2 of the structure of and result in exposure within
3 residential buildings or business or community
4 structures.

5 In other words, if you have a residential
6 structure or business or community structure and
7 there's asbestos inside, you can't use Superfund to
8 respond to that. And some people think that means
9 that you can't use Superfund to respond to asbestos
10 anywhere. That's not the case. It simply means in
11 that limited circumstance. If there's asbestos
12 lying about on a site, if there's an abandoned
13 building or something like that and there's
14 asbestos, Superfund can respond to that threat.
15 It's just not defined out of being a hazardous
16 substance. It's just the circumstance in which you
17 find it.

18 So, the next general question I think
19 that comes up would be what is a release? We
20 respond to a release of a hazardous substance.
21 Well, under the law, a release is defined very,
22 very broadly. It basically means any kind of
23 leaking, spilling, discharging, leaching. It has a
24 long list of words; any of those things that go
25 into the environment, which means, on to air,

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1 substances which exceeds a certain quantity as
2 specified in the law, they have to call in and
3 report that there's been a release. It's very
4 different at federal facilities, such as the
5 Presidio.

6 At those types of sites, the way we
7 typically find out about this is that Section 120
8 of CERCLA, which is the part of the statute that
9 provides for generally the regulation of federal
10 facilities under Superfund, mandates that there be
11 a docket, called the Federal Agency Hazardous Waste
12 Compliance Docket. Any federal facility that
13 handles hazardous substances such that they're
14 required to report under, under -- I guess RCRA and
15 -- I'm not sure. Maybe TSCA. Once they make the
16 report that they're handling these substances, they
17 get onto the docket. Once they're on the docket,
18 an assessment is performed under the statute. It
19 calls for everyone on the docket to go through this
20 assessment.

21 So an assessment is performed, and the
22 criteria they use when assessing is what we call
23 our listing criteria or hazardous ranking system.
24 We -- when we analyze sites, private sites or other
25 sites, to determine if they require action or for

1 water, soil, you know, whatever. It's extremely
2 broad, what's a release?

3 And then, the next question is what's a
4 facility? A release to a facility or from a
5 facility? And that is also extremely broadly
6 defined. And I think the statute gives you a few
7 examples of facilities and then kind of as a
8 catchall being more or less any place where a
9 hazardous substance has been released; dumped,
10 somehow come to reside, however it got there. That
11 place where it is is a facility.

12 So that kind of gives you some basic
13 definitional information. Now, once we have a
14 release of a hazardous substance into the
15 environment, the next question would be, what does
16 EPA do? How do you find out about it, and what do
17 you do when you do find out about it? At private
18 sites, we find out about releases through a lot of
19 different ways. Usually local authorities are
20 called if people notice things, and they'll call us
21 or state authorities.

22 Also, there are some reporting
23 requirements under CERCLA for facilities that
24 handle hazardous substances as part of their
25 ongoing business. If they have a release of the

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1 listing on our National Priorities List, which I'll
2 explain to you in a second, there is a -- this,
3 what we call the hazard ranking system. It uses
4 sort of a mathematical rating scheme to combine
5 potential of a release to cause hazardous
6 situations and the severity of these impacts and
7 the numbers of people who may be affected. So
8 there's a range of things. And using the numerical
9 scores, EPA and states list sites by priority and
10 allocate resources for further investigation or
11 decide that nothing else needs to be done,
12 whatever, depending on how that unfolds.

13 So the federal facilities are looked at
14 in this same way. Once they get on the docket,
15 there's an assessment done using these listing
16 criteria, and then, you know, a decision is made
17 about what needs to be done next.

18 At some sites, we propose them to be
19 placed on what we call the National Priorities
20 List. And this is a list that prioritizes risk and
21 kind of informs the public about severe hazardous
22 substance or hazardous waste facilities in their
23 neighborhood. And at a private site, it has
24 certain affects of enabling EPA to begin spending
25 Superfund. At a federal site, we don't spend the

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1 Superfund, but it has certain other affects.

2 If a listing process begins, what would
3 happen is that they, the federal facility has a --
4 once they get listed, they have certain obligations
5 kick in under the Act. The obligation to commence
6 remedial investigation and feasibility study within
7 six months of the listing, and then they have a
8 limited time frame to reach an agreement with EPA
9 under which they'll then clean up the facility
10 using the CERCLA process.

11 Now, at this facility, this site did not
12 get listed, so its obligations do not then attach.
13 Nonetheless, as you know, the base is going through
14 with the CERCLA process at this facility.

15 So once this listing takes place, or
16 doesn't take place, then the process begins. The
17 first step is to do what we call a remedial
18 investigation and then feasibility study. The
19 remedial investigation is -- probably some of you
20 know about it. It analyzes the -- it takes a look
21 at all the contamination out at the site and
22 sampling, and trying to characterize what the risks
23 are and figure out everything that's out there.

24 And then it's put into something called a
25 feasibility study, which after you've kind of

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1 quantified all that's out there at a site, you
2 analyze alternatives to decide how to clean it up.
3 And so you'll analyze -- you're required to analyze
4 a no-action alternative, so that's a baseline to
5 say well, if we do nothing, what will happen? And
6 then you look at another range of alternatives to
7 best deal with it.

8 And in your analysis of these various
9 alternatives, the statute has a preference for
10 action alternatives that would really eradicate the
11 hazardous substances. There's sort of a bias
12 against leaving things there. But that's not to
13 say that it can't happen. And there's a lot of
14 factors in analyzing and determining that. But
15 that's kind of a general bias.

16 When doing your FS, your feasibility
17 study, there are criteria that are used for
18 analyzing each of the alternatives which you pick
19 from a range of alternatives. And they're listed
20 in, you know, regulations. I'll tell you briefly
21 what they are. The two that are considered the
22 threshold criteria are overall protection of human
23 health and the environment. And then in compliance
24 with Applicable or Relevant and Appropriate
25 Requirements, or ARARs, which is a topic I'll

15

1 describe a little more fully shortly.

2 And then there are what are called the
3 balancing criteria, which are the long-term
4 effectiveness and permanence of the proposed
5 remedial action, the ability of the alternative to
6 reduce the toxicity and the ability and volume of
7 the hazardous substances through a treatment
8 method. And the short-term effectiveness, which is
9 like, well, what effects will this have on workers
10 out there and other short-term effects of the
11 action.

12 And implementability, which is kind of
13 like, well, is there equipment available to do it?
14 Just gets -- cost. And then the two final criteria
15 are called modifying criteria after you've done
16 those, and one is a state acceptance of your
17 alternative. Will the state feel good about it?
18 And then the other is community acceptance. How
19 will the community feel about it?

20 Now, I mentioned this concept of
21 compliance with Applicable or Relevant and
22 Appropriate Requirements. We call them ARARs for
23 short. And in proposing and analyzing remedial
24 actions at Superfund sites, CERCLA does not contain
25 specific cleanup standards itself. Like the way

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1 that it references in other statutes for the
2 definition of a hazardous substance, similarly it
3 references in other laws to develop a cleanup
4 standard. So if you have tainted, contaminated
5 groundwater, CERCLA doesn't have standards written
6 in for how do you clean that up and to what level,
7 so you look at other laws. And that's what we call
8 Applicable or Relevant and Appropriate
9 Requirements. We look to these other laws, both
10 federal and state, to say what laws would be
11 applicable to this cleanup and what laws would be,
12 if they're not directly applicable, would be
13 relevant and appropriate. And so, it might not be
14 directly applicable, but they're so close to being
15 what we've got here that it makes sense to use them
16 to establish our cleanup standard.

17 And there's three general categories of
18 these ARARs. One would be chemical specific. And
19 that's kind of where you get your actual cleanup
20 levels. For instance, if you're cleaning up
21 groundwater, you want health or risk base numerical
22 standards, values that establish the amount of the
23 chemical that you would say is acceptable to be in
24 the groundwater. And so like the maximum
25 contaminated levels of the Safe Drinking Water Act

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1 would be an example of that.
2 The next step is the location-specific
3 requirements. And those are laws that would
4 restrict the concentrations of hazardous substances
5 or the actions related to them based solely on
6 special locational characteristics of a site, like
7 if you have wetlands, or maybe you're in a
8 particular seismic zone so you wouldn't place
9 certain types of facilities there.
10 And then the third type of ARAR is what
11 we call an action specific ARAR, and those are kind
12 of performance and design requirements, or
13 limitations on what actions you take to respond to
14 hazardous substances.
15 Now, as for state and federal ARARs,
16 there is some difference in how they are treated
17 and viewed. State ARARs have to meet two -- to be
18 an ARAR, a state law must meet two requirements.
19 It must be promulgated and it must be --
20 promulgated means that the standards are of general
21 applicability, that they're applicable to everybody
22 in the state, not just to the federal facility or
23 something. They're generally applicable across the
24 board to everyone, and that they're legally
25 enforceable. And what that really means is that

19

1 public to respond to the proposed plan. After the
2 close of the comment period, the agency will then
3 make its actual decision on what will be the
4 remedy, and they'll publish a document called a
5 Record of Decision, or ROD. And that will include
6 a response in this summary, which would be -- and
7 will list each of the comments received on the
8 proposed plan and contain an answer to each of
9 them.
10 Now, when the ROD is published, that's
11 the closing of what's called the Administrative
12 Record typically. The Administrative Record is all
13 the documents that the agency selecting the remedy
14 has relied on in reaching its decision. So that's
15 -- it's an important issue, because if there's
16 ever to be any legal review of the remedy decision,
17 or in some cases other issues, possibly relating to
18 liability or something, but that's unlikely at a
19 federal facility -- that would be the sole source
20 of the court's review. That set of documents would
21 be what they'd look at.
22 So if you had a problem with something
23 that was done or if you wish to challenge it, you'd
24 rely on that Administrative Record. You couldn't
25 bring in other things later. So anyway, once the

1 you don't want it to be so vague that you don't
2 know what it means, you know, like "clean it up
3 until it's clean," something like that. You have
4 to have a standard that you can really enforce.
5 And then the second is that it be more
6 stringent than any federal requirement that might
7 exist. So if you have a federal law that does the
8 same thing, you'd say that the federal law would be
9 an ARAR, but if you have a state law that is more
10 stringent than a parallel federal requirement, then
11 you would say that the state law would be the
12 ARAR.
13 Now, when you conclude the feasibility
14 study, you've analyzed these alternatives trying to
15 figure out what would be the best remedy for this,
16 whatever problem you're dealing with, whether it's
17 a site-wide problem or specific, small problems at
18 a site -- the agency that is, that has the remedy
19 selection authority will -- at a private site it
20 would be EPA -- will publish something that's
21 called a proposed plan. And the proposed plan will
22 take one of the alternatives from the feasibility
23 study and will go out to the public and describe
24 this proposed remedy and will seek comment on it.
25 And then there will be a comment period for the

20

1 ROD is published, then the remedial design begins,
2 and that's the design of whatever is going to take
3 place out there. And then when the design is
4 complete, the remedial action is implemented.
5 Now, that's kind of the process in terms
6 of remediation of the site. There's a sort of
7 parallel process that goes on with this at private
8 sites, or enforcement. And I can tell you briefly
9 about that. It's not -- it doesn't occur at a
10 federal facility, but we at the Agency will begin
11 to involve responsible parties in cleanups as early
12 as possible, and hopefully get them to do the
13 work. So initially, we'll seek to get them to
14 perform the RFS, if they seem -- if they're
15 capable of doing it with our oversight. And when
16 that's completed, the agency itself does the ROD,
17 and then will hope to again negotiate with the
18 responsible parties to perform the remedial
19 action.
20 And just to speak briefly about the
21 liability of responsible parties at these sites,
22 the liability for -- there are I guess four
23 categories of responsible parties at Superfund
24 sites. There are owners of the site, past and
25 present; operators of the site who may have

21

1 operated on the facility but not owned it. There
2 are what we call generators. It's those who
3 arranged for disposal at a site, meaning someone
4 perhaps as an example at a landfill who sent their
5 things for disposal there. And then there are
6 transporters to a site, if the transporter was the
7 person who selected the site. A transporter who
8 didn't select it would not be liable.

9 And depending on the condition at a site,
10 liability under CERCLA is strict, meaning it's not
11 based on conduct. If you sent the substance to the
12 site and it's there, then you're liable. Doesn't
13 matter if you were acting without negligence or
14 anything else. It's strict liability.

15 And depending on the condition of what
16 you have at a site, it's call joint and several.
17 Meaning if the harm at the site, the environmental
18 harm is such that you can't distinguish who's
19 responsible for what, then each person is
20 considered to be liable for the whole. If harm is
21 divisible and you can tell who is responsible for
22 discrete portions of it, then liability is not
23 joint and several and people will only be
24 responsible for their portion of it. Again, this
25 is relevant at private sites.

23

1 private situation, typically, if EPA starts,
2 initiates, an action to recover costs or to enforce
3 an order against someone to perform action that
4 they don't want to perform, then they can contest
5 it.

6 So I think that's pretty much all I have
7 to say about CERCLA, except for what questions you
8 have, and Orchid will --

9 FACILITATOR BUFORD: Looks like we have
10 some questions. Doug.

11 BOARDMEMBER KERN: My name is Doug Kern.
12 My question is when you mentioned the
13 Administrative Record and that everything had to be
14 in there in case somebody reviewed it, can you tell
15 us what constitutes the Administrative Record, what
16 documents go in that?

17 MR. McCABE: Right. Well, basically in
18 terms of the definition of it, it's any document
19 that the agency relies on in making its decision is
20 what's supposed to be in it. So that can cover a
21 range of things. The RIFS would be obviously in
22 it, but it could be correspondence, it could be
23 memoranda, so it's not limited to any specific
24 document type. It's just whatever information the
25 agency relies on in making its remedy selection.

22

1 And so as for issues of citizen
2 challenges and that kind of thing, if citizens are
3 in disagreement with an agency decision or action,
4 there is a provision in CERCLA to challenge or,
5 well, to bring suits. Section 310 of CERCLA
6 provides that citizens can bring suits if the
7 agency has failed to perform a non-discretionary
8 duty. Now basically what that means is if there's
9 something that's actually required by the statute
10 and it's not done, then a challenge can be
11 brought. If something is required by the statute
12 and it's done, but you just don't like the way it's
13 done, your ability to challenge it may be much more
14 limited. Each case is on its facts, so you don't
15 know what that will necessarily mean.

16 And as for challenges to remedy
17 selection, unless you find something that is a
18 failure to perform a non-discretionary duty, your
19 challenge to any remedy would be -- would be barred
20 until the action is completed. So there's a
21 provision in CERCLA, Section 113-h, and it bars
22 people from challenging or stopping a remedial
23 action until such time -- well, there's a few
24 provisions that would let you out of that, but
25 either until the action is completed or if in a

24

1 BOARDMEMBER KERN: We've heard that the
2 transcripts of these meetings sort of are part of
3 the Administrative Record. Is that the same
4 Administrative Record, or --

5 MR. McCABE: Well, I mean -- I think when
6 EPA keeps sort of a -- EPA or the Army, in this
7 case -- we keep kind of a file relating to the
8 site. From our standpoint, if we don't rely on
9 something in making our decision, we don't include
10 it in the Administrative Record. So as a matter of
11 what a court would review -- sometimes things get
12 included in records that maybe shouldn't be there.
13 I don't know how that -- but, no, I wouldn't say
14 they would be.

15 FACILITATOR BUFORD: There's a question
16 over here. Michael.

17 BOARDMEMBER ALEXANDER: If I could just
18 follow up on that then, are there standards for
19 what you rely on? What you rely on seems to be
20 kind of an open door. You will put it in the
21 Administrative Record if you're relying on it, and
22 you won't put it in if you're not relying on it.
23 How do you determine what you're going to rely on?

24 MR. McCABE: Well, it's probably
25 information about contamination at the site. And,

25

1 I mean, if there's, you know, anything containing
2 information about levels of contamination or
3 technical data kind of stuff that we use, we
4 include it. So, I mean, we're under a legal duty
5 to certify that the record contains everything that
6 we have used and relied on, so if there's
7 information that someone gives us and we say, well,
8 it's not relevant, we wouldn't include it.

9 BOARDMEMBER ALEXANDER: Just if I can
10 follow up briefly about that. As an example, we're
11 an advisory body to the cleanup that the Army is --
12 regarding the cleanup that the Army is conducting
13 here. If there are comments here, as Doug alluded
14 to, and there's a transcript made of this meeting,
15 if there are comments made at this meeting that are
16 advisory to the Army, do they have the same weight
17 as written comments making the same point to the
18 Army, or do they go into the same Administrative
19 Record? If not, what are the differences?

20 MR. McCABE: The oral comments would have
21 to be reduced to writing to be included in a
22 record. So --

23 MS. KWEI: I guess I'm thinking maybe we
24 can give you an example when --

25 BOARDMEMBER ALEXANDER: Please.

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1 court. Is it arbitrary? Is it capricious?
2 But how does the court decide whether
3 it's a arbitrary decision? They have to look into
4 the background documentation. How did you reach
5 this decision? So, for example, if the feasibility
6 study or a draft record of a decision is now being
7 circulated for public comment, and you made a
8 comment saying that this part of the technical
9 document is not correct because the information is
10 not correct. And then as part of the public
11 participation process, the regulator has to
12 consider your comments and respond. That would be
13 part of the Administrative Record and the judge
14 would look at his record, say, "Well, so and so
15 made a comment. Let's look at the record and see
16 how the regulator responded to his comment." And
17 the regulator would in his response, or her
18 response, would say that, "Well, we considered your
19 comments. However, based on other information and
20 data we have, we don't agree with you, so we moved
21 on with our selection."

22 That's why we have to have Administrative
23 Record, so that the judge or the court can decide
24 whether the final decision we made -- or any
25 decision we made -- was arbitrary or capricious.

1 MS. KWEI: The reason we would have to
2 compile an Administrative Record is when a decision
3 by a regulator is being challenged in court. So,
4 for example, there is a feasibility study which
5 proposes three remedies or alternatives for the
6 cleanup of this parcel. And for the regulator to
7 select the final remedy out of the three
8 alternatives, we have to have some basis, right?

9 BOARDMEMBER ALEXANDER: I hope.

10 MS. KWEI: So we looked at the three
11 alternatives and we would have to look into the
12 data and information supporting each alternative.
13 And then when we select a final remedy, we are
14 making a decision, and this decision has to be
15 supported, documented by various documents. And
16 these documents would be compiled into this
17 Administrative Record.

18 So when someone sues the regulator to
19 challenge the decision we made, basically this
20 final selection, when the court looks at this case,
21 the court will decide whether your challenge has
22 any grounds. So how would the court look at our
23 decision? They would decide whether the decision
24 made by the regulator is capricious or is it
25 arbitrary? So that's the standard used by the

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1 That's why.

2 MR. McCABE: And the Record of Decision,
3 like I said, contains all the comments and all the
4 responses to the comments.

5 The agencies have a reason to want to be
6 as inclusive as possible, because if the court
7 finds that that record is bad or not inclusive
8 enough they might throw it out and say, well, we
9 won't give you review just on the Administrative
10 Record. We're going to throw it open to everything
11 here, so --

12 FACILITATOR BUFORD: Okay. Nina, you had
13 a question.

14 MS. KANNATT: Then just to go back to the
15 original question by Mr. Kern, to the extent that
16 the Army -- that comments are made in this form and
17 taken down by the court reporter and are therefore
18 in writing and the Army then considers them, the
19 transcript would be a part of the Administrative
20 Record; am I correct?

21 CAPTAIN STANTON: This is Captain
22 Stanton. Maybe I can help.

23 There are some basic threshold
24 requirements for creation of an Administrative
25 Record under the National Contingency Plan in

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1 CERCLA, and there's also some EPA guidance on what
2 should go into an Administrative Record. There are
3 some -- these are sort of baseline threshold
4 requirements. You can go beyond that and -- sort
5 of beefing up your Administrative Record. And
6 transcripts of these meetings, for example, are an
7 example of that. Technically, we're not required
8 to put these transcripts in the Administrative
9 Record. We're not technically required to keep
10 verbatim minutes of these meetings, but we do it
11 because we want to have a thorough Administrative
12 Record.

13 FACILITATOR BUFORD: Okay. Rob had a
14 question. Rob Reinhard.

15 BOARDMEMBER REINHARD: I had one
16 supplemental comment and one question about your
17 presentation. First, as to listing, I think it's
18 worth clarifying that this site -- there has not
19 been a decision made as to whether or not listing
20 will take place, and it's my understanding,
21 repeated questioning, that it's still up in the
22 air. And that the consequence of the site being
23 listed for a federal facility is that if it does
24 get listed on the National Priorities List, then at
25 that point, EPA has increased authority about

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1 have been ensconced here for five years. And so I
2 personally think there is a question there that I'd
3 like to hear EPA's thoughts about it.

4 MR. McCABE: Well, as for the five-year
5 review, that only occurs when there is hazardous
6 substances remaining on the facility after the
7 remedy is performed.

8 BOARDMEMBER REINHARD: Yeah.

9 MR. McCABE: So if the remedy selected is
10 to take everything away, there wouldn't be any
11 five-year reviews. But as for the sharing of
12 decision authority, there is nothing that I'm aware
13 of. I know the executive order, it states that the
14 non-NPL site, that the decision-making authorities
15 under Section 121 of CERCLA, which is where the
16 remedy selection comes in, is delegated to the
17 heads of the agencies. I don't have that with me,
18 obviously, but -- and it doesn't seem to
19 contemplate this issue of what -- what happens.
20 This is kind of written like the agency is going to
21 own the facility and perform all the work for the
22 whole time.

23 BOARDMEMBER REINHARD: At the time of
24 remedy selection --

25 MR. McCABE: So the executive order

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1 agreeing or concurring with remedy selection
2 decision, if not other responsibilities, at the
3 site.

4 My question goes to the question of
5 remedy selection. In the regulations that you
6 referred to, which are known as the National
7 Contingency Plan, the NCP, remedy selection
8 authority, under that regulation and under
9 presidential order, is given to what's called the
10 lead agency. So what is the lead agency?

11 Well, there are many senses in which the
12 Army obviously is the lead agency here, or at least
13 absolutely was up until October 1st, 1994. But on
14 that date, the facility became under the
15 jurisdiction of the National Park Service fully,
16 and prior to that date, there were parcels that had
17 already been irrevocably permitted to the Park
18 Service.

19 So, my question is, is there any reason
20 for thinking that remedy selection authority is
21 shared by the agencies, and also to point out that
22 remedy selection is a question which comes up again
23 in five years because CERCLA requires five-year
24 review of decisions that are already made. In
25 other words, in five years the Park Service will

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1 doesn't really contemplate this issue of what
2 happens. And I would think that there's no
3 provision for sharing of it. There's nothing that
4 says, "You do it." And I think that it would be
5 hard to share it without with the Army performing
6 all the work and doing remedial action. It seems
7 like that -- that carries with it the
8 decision-making authority.

9 BOARDMEMBER REINHARD: Well, at a private
10 site, there's a difference between responsibility
11 and liability for cleanup and who decides how to do
12 the cleanup. I'm just talking about the issue of
13 authority to select the remedy, not who is
14 responsible for doing the remedy.

15 MR. McCABE: Right. I know that. I know
16 that. In the absence of a really clear directive
17 on it -- I don't think there is one. I think that
18 it's difficult to take away one portion from the
19 rest and to treat it differently. So say that it's
20 the EPA's position to -- from an alternative
21 standpoint -- and I don't know that the agency has
22 had a firm position on it. But I see a problem
23 with it and there's, like I said, there's nothing
24 that says, "You do it." There's no legal action.
25 Do you do it or do you not do it?

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1 As you pointed out, if the site were
2 listed, the remedy selection would be specified to
3 be made by the facility and by EPA together. And
4 that's statutorily mandated sharing of the
5 decision. And then if there's disagreement, the
6 EPA would then make the decision alone. But
7 there's nothing directly on point on this, so I
8 guess the Army and DOI will be talking to each
9 other about what happens, but that -- and I also
10 don't know if EPA's thoughts on it would
11 necessarily change what the Army would do since the
12 authority is delegated to them.

13 BOARDMEMBER REINHARD: If one were to
14 hold that view.

15 MR. McCABE: I'm not sure whether it's
16 still getting to one or the other. I'm not sure
17 that EPA's opinion would necessarily change what
18 either one of them has to abide by.

19 FACILITATOR BUFORD: Okay. We've got --
20 let's take two more questions and then get into the
21 rest of the presentation. And I've got Sol. No?
22 You defer? Okay. William Lee and then Dexter.
23 And then we will go into the next presentation.

24 BOARDMEMBER LEE: I had a question again
25 regarding the ARARs, this location specifically.

1 If you have an endangered species, you have
2 endangered species in either animal or plant, is
3 there any requirement regarding remedial action to
4 expand, say, the area where endangered species can,
5 say, promote growth?

6 MR. McCABE: You know, I don't know
7 specifically the law on that.

8 BOARDMEMBER LEE: If the land use -- the
9 National Park Service decides to make everything at
10 the edge of the Bay a wetland, the standards for
11 cleanup would be much higher. I guess the question
12 would be here is that the ARARs, they're based on
13 local specific requirements?

14 MR. McCABE: Location.

15 BOARDMEMBER LEE: If the land use says
16 you have wetland here, do we have regulatory
17 authority because the land use is driving that's
18 going to be a wetland that we can say to the
19 responsible party that they have to clean up to
20 these levels?

21 MR. McCABE: The way it kind of works is
22 the site is -- it's in whatever location it's in.
23 It doesn't change. So as an example, there are
24 laws restricting siting of hazardous waste facility
25 in certain seismic zones, so if you were

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1 considering alternatives which would possibly do
2 that, you might -- you would rule them out on that
3 basis. You would say, well, we can't do this
4 action. We can't select this type of remedy.
5 Because of the location we're in, we're prevented
6 from doing it. So you'd say that that alternative
7 would not apply with the location-specific ARAR.

8 Now as for what it does is it limits the
9 actions that are taken as to the remedy. I don't
10 -- I'm not sure I fully understand.

11 BOARDMEMBER LEE: If the decision is not
12 chemical specific, but we put a wetland like Crissy
13 Field -- make everything wetland and we have
14 contamination underground, I guess the question
15 would be how clean is clean going to be and how far
16 do we remediate for the cleanliness of that area?
17 I guess what we're going through is land use
18 decision making throughout the Presidio.

19 I guess the question would be it is going
20 to be extremely expensive and the Army or DOD may
21 not have the funding allocated, and we're looking
22 at some sort of I guess reaction from the public or
23 from the city to if we decide or the National Park
24 Service decides that Crissy Field becomes all
25 wetland, what kind of push or authorities would we

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1 have based on ARARs and land use to sort of force
2 the federal government to pay for the cleanup?

3 MR. McCABE: So in other words, if you
4 wanted to take something at the base and change it
5 into a wetland and it's not currently wetland --
6 well, I mean, I don't know the specifics of the
7 contamination at Crissy Field, but I think I've
8 never run into a situation where you've kind of
9 changed what the location is, but you have to look
10 at changing your land use in your decision making.

11 BOARDMEMBER ALEXANDER: It's the use of
12 the property I think that we're getting at. The
13 use of the land is going to change, the land, the
14 location of the land. Was there a confusion
15 there?

16 MS. KWEI: The bottom line question is
17 how clean is clean.

18 BOARDMEMBER ALEXANDER: Right.

19 MS. KWEI: And how do we decide. What's
20 the level you are going to require DOD to clean up
21 to, and there we do consider cost effectiveness and
22 present use of the land, the proposed future use.
23 For example, if this is a marshland and -- we're
24 not going to ask DOD to clean up benzene and used
25 oil from Southern Pacific Railroad which runs

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1 through the marshland. We're not going to ask the
2 DOD to clean it up so this piece of land would be
3 good enough for daycare. We would, of course, find
4 out from the local community whether you have
5 decided on proposed future use for this piece of
6 land. And usually, it's probably going to be
7 preserved for open space or whatever.

8 And then the local folks may get
9 aggressive and say, "Well, no, we're going to be
10 building tract homes on this piece of land." Is
11 that fair to ask DOD to clean this to the level of
12 residential use? That we have to take into
13 account, the cost involved, whether it's even
14 feasible.

15 If it's prohibitively expensive, we're
16 not going to impose that kind of expense on the
17 responsible party, in this case DOD. So we'll just
18 clean it up and we would have a deed revision
19 saying that the parcel is now cleaned up suitable
20 for like a refuge or recreational purposes, but
21 it's not going to be suitable for homes or day
22 cares or residential use.

23 MR. McCABE: Future land use is a
24 consideration that you look at in determining your
25 cleanup levels.

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1 to build condominiums and end up 15 million
2 dollars. So there. That's how I would approach to
3 the regulators and the city that the land use I'm
4 proposing for this piece of property is going to be
5 residential condominiums, hotel units, family
6 buildings, et cetera.

7 But for DOD here, DOD is giving the
8 property free to the city, or maybe for dollar --
9 usually it's free. So there you don't have that
10 leverage. You can't say that I want it cleaned up
11 so that the city can build homes. So you use the
12 politic. You be con men. You issue press release
13 saying the Navy refuses to clean it up and here we
14 have some environmental issues. And that's where
15 you would have to look at, the politic. You don't
16 have the market.

17 BOARDMEMBER LEE: The market is there,
18 because if the city takes over the piece of
19 property, we have liability because you have deed
20 restrictions. So it's very difficult many times to
21 get banks to loan money.

22 Land use. For a while the city was going
23 to take a position for T.I. and on Hunters Point
24 that we want the area cleaned up, background
25 levels.

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1 BOARDMEMBER LEE: I'm just looking at --
2 I'm looking at Treasure Island, at Hunters Point,
3 because the city will be taking over. With the
4 National Park Service, you've got liability from
5 one federal entity to another federal entity. But
6 with the city taking Hunters Point, we don't have
7 much property to develop for homes or even for
8 wetlands. There's not much there. There's a lot
9 of circumstances regarding how much we can get DOD
10 to pay for. Treasure Island is making it part
11 condo and other part all recreational and
12 wetlands. We're trying to find some sort of
13 criteria to make a judgment call. How far can you
14 really go legally?

15 MS. KWEI: DOD -- property owned by DOD
16 is really strange animal. At a private site, it's
17 really easy to resolve because it's the market.

18 For example, if I have a piece of
19 property, two acres, and it's contaminated and I'm
20 selling it to you and I'm asking three million
21 bucks. If I clean it up good enough for
22 condominiums and I think how much maybe I'm going
23 to make? Is it worth it for three million bucks to
24 clean it up? Maybe it is. So I put in three
25 million bucks. I clean it up good enough for you

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1 Feasibility. If I was the National Park
2 Service -- unless this stays a park forever, it
3 should not be a problem as in some cases. But the
4 question would be other properties if local
5 government takes over. Sacramento County and
6 Alameda face the same issues we are. If we take it
7 over, we say it's okay at this level. Ten years
8 from now it's not clean enough. Someone's got to
9 pay for cleanup. If we have other sources, the
10 question is, how far can we go?

11 MS. KWEI: Actually, it's regulatory
12 agencies who quite often get caught in the middle
13 here. The property here is earmarked for a use.
14 You will, say, go ask them to clean it up to this
15 level, and here, on the other hand, are laws and
16 policies do not really warrant or call for that
17 level. So we get caught right in the middle.

18 FACILITATOR BUFORD: Okay. I think
19 Orchid's answered that question. Dexter, did you
20 have a question?

21 BOARDMEMBER CHAN: My question is
22 actually sort of unfair because you're just
23 addressing the federal environmental laws, and what
24 I'm really interested is the Natural Resources
25 Trustees and other agencies that have endangered

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1 species laws and their dynamics on this kind of
2 issue. There's obviously other agencies that would
3 be involved with that that actually don't fit into
4 all the decision-making process. How do these
5 cleanup levels fit in?

6 MR. McCABE: In fits in kind of the whole
7 process. If there's natural resource damages, then
8 an assessment is done. And whatever action needs
9 to be taken in regards to that damage would be part
10 of the remedial action. Is there someone here --

11 BOARDMEMBER WORK: No. Before the
12 meeting, I was telling Dexter that the speaker who
13 was with NOA, and who actually works out of EPA's
14 office was -- she regrets that she had a conflict
15 and she couldn't be here tonight because she was
16 going to be talking to the Natural Resource
17 Trustees. But she liked the idea and she said she
18 would be perfectly willing to talk to the RAB at
19 some time in the future to try to fill in this
20 blank that we've got on this point.

21 BOARDMEMBER REINHARD: The endangered
22 species provision has come up as ARARS.

23 MR. McCABE: Yes.

24 MS. KWEI: And just for your information,
25 the state, California State Natural Resource

1 Trustees happen to be also the regulators, so their
2 input would be received because they would get a
3 copy of some of these technical documents. They
4 would comment, and then we would consider the
5 comment.

6 MR. McCABE: To the degree that a
7 remedial action would threaten endangered species,
8 it would be considered -- it would be not selected
9 on that basis.

10 MS. KWEI: Right. For example, if
11 someone proposed to cap the marshland with concrete
12 so that you can build garages or homes on there,
13 that's when the Natural Resources Trustees would
14 speak up. Department of Fish and Game would say
15 you can't do that because there are endangered
16 species in the marshland, so you have to leave it
17 alone. You have to clean it, never cap it.
18 Something like that.

19 FACILITATOR BUFORD: Okay. With that,
20 we'd like to introduce Orchid Kwei, who will give a
21 discussion, lead a discussion on the environmental
22 laws and Superfund laws for the Department of Toxic
23 Substances Control and Orchid, I guess you're going
24 to have some help from Rommy Fuentes and Rich Hiatt.

25 MS. KWEI: Gavin already spoke for both

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1 of us because the California Superfund law is very
2 similar to the Federal Superfund law, so for the
3 record, Gavin's talk is hereby adopted by me as my
4 talk on the subject.

5 I thought maybe we'll explain a little
6 bit about California EPA, which is kind of a new
7 organization compared with the longstanding
8 US-EPA. For years, California did not have any
9 umbrella organization to administer and enforce the
10 various California environmental statutes and
11 regulations and policies. So back in 1991,
12 finally, we have a new California Environmental
13 Protection Agency, which is tailored after US-EPA
14 because the head of agency came from US-EPA, so he
15 had US-EPA in mind when he created or established
16 the California EPA here, or we call it Cal-EPA.

17 And under California EPA, we have six
18 agencies. We have Department of Toxic Substance
19 Control, which is the agency that has the
20 responsibility and authority to enforce the
21 California Superfund Law and the California
22 Hazardous Waste Management Law. That is where you
23 have some hazardous substance, hazardous waste, you
24 put them in containers, and here you have to have
25 labels, you have to close up the drums, and you

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1 have to have training records, and et cetera. So
2 that's the job for the Department of Toxic
3 Substance Control.

4 And the second agency is the State Water
5 Resources Control Board and the Regional Water
6 Quality Control Board. And the third one is the
7 State Air Resources Board, which implements the
8 Federal Clean Air Act and also regulates the air
9 quality in California via various local water --
10 air quality districts, and the third one -- or the
11 fourth one is Department of Pesticide Regulation,
12 which regulates the manufacturing and use of
13 pesticides in California. And the fifth one is the
14 Integrated Waste Management -- let me see.
15 Integrated Waste Management Board, which oversees
16 the management of non-hazardous solid waste, or we
17 call it the Garbage Board. It's our regular
18 garbage, let's put it that way. It's the State
19 Garbage Board.

20 And the last one is the Office of
21 Environmental Health Hazard Assessment. It
22 assesses health effects of various chemicals which
23 are present in the environment, and it also acts as
24 a science advisor for the other agencies under
25 Cal-EPA. And in California, we have a lot of

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1 environmental statutes, like the federal government
2 does. And the major ones -- number one is the
3 state Superfund law which basically is tailored
4 after the federal Superfund law. For example, in
5 our law, which is in the Health and Safety Code, we
6 either adopt the federal definition for what's a
7 hazardous substance, what's a responsible party,
8 what's a release, or we just refer directly to the
9 federal act for definitions of all the terms and
10 phrases.

11 And then we have the California Hazardous
12 Waste Control Act. It's the equivalent of the
13 federal RCRA, the Resource Conservation and
14 Recovery Act. And the California has been
15 authorized by Federal EPA now to administer the
16 state RCRA, the state law in lieu of the federal
17 law in this case.

18 And then we have the California Clean Air
19 Act, which was enacted to implement the federal
20 act. And then, lastly, is the one that you might
21 be very familiar with, is the California
22 Environmental Quality Act. We call it CEQA. And
23 CEQA applies to state agencies or public agencies
24 when the public agency has to make a decision which
25 may have an adverse impact on the environment.

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1 consider that as a weakness. And what else? Well,
2 maybe we should -- what?

3 BOARDMEMBER REINHARD: The definition of
4 hazardous substance.

5 MS. KWEI: We adopted federal definition.

6 BOARDMEMBER REINHARD: But it includes
7 hazardous waste.

8 MS. KWEI: Oh, okay. There that's
9 probably our state RCRA program. In our RCRA
10 program, we have -- for us to get authorized under
11 federal RCRA, we have to make sure that our laws
12 and regulations are either consistent with the
13 federal RCRA, or we can be more stringent. So
14 based on that deadline, let me get into that.

15 Based on deadline, the California law
16 covers the RCRA waste, that means hazardous waste
17 recognized under RCRA, and we also regulate another
18 universe. That universe consists of waste which
19 are only considered a hazardous waste in
20 California, but not under the federal RCRA. And
21 since the federal Superfund law says that hazardous
22 substance includes A, B, C, D and hazardous waste,
23 so if you -- so in the California Health and Safety
24 Code, if you look at that definition, for the
25 purposes of our law, that would include hazardous

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1 Maybe I could touch on a little bit on
2 the difference between the federal Superfund law
3 and the state Superfund law. In fact, the
4 similarity is based on the fact that in the state
5 law we require that all state actions for cleanup
6 have to be consistent with the federal National
7 Contingency Plan. That's why I don't have to
8 repeat what Gavin just said.

9 But the difference we have here is that
10 -- which is the weakness in our law. That's why
11 when we sue someone, we usually use the federal
12 law, we don't use our own law, because it has been
13 argued that under the state Superfund law, we
14 recognize apportionment of liability. So if you
15 have five parties responsible for the pollution, we
16 have this concept built into our state law which
17 would apportion, like if you are five percent
18 responsible, you are fifty percent responsible,
19 while under the federal law, it's joint and
20 several. That means if the state sues for cost
21 recovery or requires someone to clean up the site,
22 we would sue under the federal law where we would
23 require each one of you to be hundred percent
24 responsible. So that's the difference between our
25 law and the federal law, and we quite often

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1 waste which are not recognized under the federal
2 RCRA law, so that's how you would put it to the
3 state Superfund law.

4 BOARDMEMBER GIRARDOT: What's an
5 example?

6 MS. KWEI: Example would be --

7 BOARDMEMBER LEE: Oil.

8 MS. KWEI: Used oil. And actually, we
9 sort of changed our mind on used oil. Example
10 would be -- PCBs would be one of them. What else?
11 And then there are the levels, because they're
12 different tests, so if you -- you may fail a state
13 test to be considered, not you -- it may fail a
14 state test, therefore you would be considered
15 hazardous waste under our state law, but it may not
16 have -- it may have passed the federal test. Does
17 that make sense?

18 We have different tests, federal tests to
19 determine what constitutes a hazardous waste. And
20 then for California, we have our own state test.
21 So our test is more stringent than some of the
22 federal test, therefore the same substance or waste
23 under different tests in this case may be regulated
24 by the California law because it fails the
25 California test.

1 MR. MILLER: Are you talking pretty much
2 about the Toxicity Characteristic Test?
3 MS. KWEI: And there is a WET -- Waste
4 Extraction Test.
5 BOARDMEMBER REINHARD: Well, for example,
6 so some paints may not necessarily become regulated
7 or covered by Superfund, federal Superfund because
8 they don't fit into any of those categories, but
9 because they flunked this California test, the
10 California Superfund may address them?
11 MS. KWEI: Yeah, we would require the
12 cleanup because it's considered a release of a
13 hazard substance under the California law, that's
14 Health and Safety Code.
15 BOARDMEMBER LEVINE: Lead waste is one of
16 the areas that's quite different.
17 MS. KWEI: There I think we take the same
18 positions. Radon, asbestos.
19 BOARDMEMBER LEVINE: Lead in some of the
20 -- the material from, for instance, sashes and
21 windows, is not the same on there, and that's one
22 of the biggest problems that they have.
23 MS. KWEI: Well, I changed my mind. I
24 don't want to talk about other statutes. There are
25 so many of them.

1 money to get involved, even to provide oversight or
2 to review a document.
3 So in this case, instead of issuing
4 enforcement order, which we do have the authority
5 to do, we proposed to enter into a cleanup
6 agreement with the federal government, in this
7 case, the Army. And this agreement has been
8 proposed and it's going to be negotiated pretty
9 soon. And the purpose of this agreement is to
10 provide some statutory framework, or to provide a
11 mechanism to facilitate the regulator and DOD to
12 work together.
13 So this agreement would provide
14 schedules, provide a list of tasks to be completed,
15 like various technical documents. And it also
16 provides for a dispute resolution process when we
17 do not agree as to what needs to be done. We would
18 have a couple of levels of dispute, and then if we
19 don't agree, we just split. Either we can sue them
20 or they can sue us.
21 BOARDMEMBER FUENTES: I just want to add
22 about the Department of the Army and DTSC recognize
23 the importance of NPS as a party to the agreement.
24 So, NPS and the Army negotiated their agreement,
25 all the issues about the agreement and they

1 So maybe we'll talk about FFSRA, the
2 agreement. Before the site gets on the National
3 Priority List, EPA is not taking a hundred percent
4 active role in overseeing the cleanup, as I
5 understand. Right now, if you will let me finish --
6 MR. McCABE: The site is not listed or
7 proposed for listing on NPL, and our authorities
8 are very limited under the law. So the state has
9 taken kind of --
10 MS. KWEI: Right. So Cal-EPA now is
11 taking the oversight lead, and we have proposed to
12 enter into an agreement with DOD for the cleanup of
13 the site, and here we call it Federal Facility Site
14 Remediation Agreement.
15 And, in fact, under our state law, the
16 only way our department, the Department of Toxic
17 Substance Control, can even get involved in
18 providing oversight -- that means we have to spend
19 our money, right? Our manpower and the time to
20 review the documents -- is to first for us to have
21 either an order issued against the party, in this
22 case, DOD, to require them to clean it up, or we
23 have to enter into an agreement so we'll cooperate
24 and work together. In the absence of an order or
25 an agreement, we cannot use the state Superfund

1 provided that FFSRA. So when we --
2 MS. KWEI: They're going to be a
3 signatory, right?
4 BOARDMEMBER FUENTES: Yes. There's going
5 to be a signatory to the agreement.
6 MS. KWEI: Parks. So it would be a
7 three-party agreement, Cal-EPA and the two federal
8 agencies.
9 FACILITATOR BUFORD: Okay, Orchid, are
10 you answering questions now?
11 MS. KWEI: Yeah, I'm done.
12 FACILITATOR BUFORD: Feel free to ask
13 questions if you have any.
14 MS. KWEI: And then we have a Water Board
15 Representative.
16 MR. HIETT: We have a Water Board
17 representative.
18 FACILITATOR BUFORD: Rich, are you ready
19 with your presentation before --
20 MR. HIETT: Maybe we can take a break.
21 FACILITATOR BUFORD: Okay. I just asked
22 the court reporter --
23 BOARDMEMBER GIRARDOT: Could I just ask
24 one question before --
25 MS. KWEI: Sure.

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1 FACILITATOR BUFORD: Sure, go ahead,
 2 Joan.
 3 BOARDMEMBER GIRARDOT: It's backing up to
 4 his presentation, but you hit on it again. When
 5 you talked about the National Priorities List and
 6 the Presidio did not get listed, and you said
 7 because of that, your agency is taking the lead.
 8 Now what does it mean, could you clarify what it
 9 means not to get listed?
 10 MR. McCABE: Well, it hasn't been
 11 proposed to be listed. What happens when you get
 12 listed is -- a site's proposed to be listed, the
 13 proposal is published in the Federal Register,
 14 comment is taken on the proposal to list the site,
 15 and then it's finally listed. The decision about
 16 listing is as follows: Like I described, we do the
 17 hazard ranking system and we score a site.
 18 BOARDMEMBER GIRARDOT: Right.
 19 MR. McCABE: Under CERCLA, if the site
 20 does not score above a number, 28.5, that's
 21 considered the threshold, then it may not be
 22 listed. It's not eligible to be listed. If it
 23 exceeds 28.5, it may be listed but it doesn't have
 24 to be listed, so it's a permissive thing so that a
 25 listing decision at that point is a matter of

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1 priority of other sites and money and there's, you
 2 know, possibly severity of the risk and so forth.
 3 So, you know, a lower-scoring site that breaks the
 4 threshold may not be listed because it's not a high
 5 priority compared to other sites.
 6 MS. KWEI: Or it's not dirty enough.
 7 MR. McCABE: That's why it got a low
 8 score, because it's not so bad.
 9 BOARDMEMBER REINHARD: Has the Presidio
 10 exceeded the 28.5 score?
 11 FACILITATOR BUFORD: There was a
 12 question. Did you get it?
 13 THE REPORTER: Yes.
 14 FACILITATOR BUFORD: I saw a head
 15 shaking, but I didn't hear the answer.
 16 BOARDMEMBER WORK: I nodded yes, it has.
 17 THE REPORTER: I didn't get the answer.
 18 FACILITATOR BUFORD: Yes. Doug.
 19 BOARDMEMBER KERN: Do we know what the
 20 score is? I mean, we don't know what all the
 21 criteria was, but do we know what the number was?
 22 BOARDMEMBER WORK: Off the top of my
 23 head, I don't know, but I know that it was
 24 evaluated two separate times by EPA. It was both
 25 times in the low 30s. It doesn't exceed 28.5 by a

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1 lot. There is a high number of federal facilities
 2 that have been evaluated that have much higher
 3 scores that have still not been NPL listed.
 4 BOARDMEMBER KERN: And just for
 5 reference, could you give me a range, like is a
 6 high number like 500 or 100? What do they go up
 7 to?
 8 BOARDMEMBER WORK: Does any -- I don't
 9 know. Do you know what the max could be?
 10 MR. McCABE: I don't know.
 11 BOARDMEMBER WORK: No. I'm sorry. I
 12 don't know, either, what the maximum could be, but
 13 I've heard of sites that have scored like say in
 14 the 70s.
 15 BOARDMEMBER REINHARD: I think that Love
 16 Canal is about 120 or something like that.
 17 FACILITATOR BUFORD: Sol?
 18 BOARDMEMBER LEVINE: You made a comment
 19 before, "depending on how dirty it is." Is that
 20 the only consideration that is used? In other
 21 words --
 22 MS. KWEI: No, they have their own
 23 ranking system of contamination, level of
 24 contamination and the nature of --
 25 BOARDMEMBER LEVINE: Besides the

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1 contamination or how dirty it is, is there any
 2 other consideration?
 3 MR. McCABE: Oh, yes. Proximity to
 4 people, proximity to animals.
 5 BOARDMEMBER LEVINE: How about use?
 6 MR. McCABE: Proximity to natural
 7 resources.
 8 BOARDMEMBER LEVINE: How about use?
 9 MR. McCABE: Well, I think that goes in
 10 with the proximity issue. How will it affect
 11 people, animals, the environment, resources.
 12 BOARDMEMBER LEVINE: So if a site is
 13 being considered, and let's say it scores in the
 14 30s, or a lower score, but it's being turned over
 15 to be used by, quote, people, civilians, or a use,
 16 would that not lift the priority? Lift it up.
 17 MR. McCABE: That is part of what's
 18 considered, though, the use and --
 19 BOARDMEMBER LEVINE: Well, how would they
 20 consider that? What weight do they put into that
 21 particular thing as compared to how dirty it is?
 22 BOARDMEMBER WORK: Actually, I could
 23 maybe answer that partly. In that hazard ranking
 24 system, the actual system that they employ to come
 25 up with these numbers, they look at population

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1 exposure, they look at whether or not the site is
2 to be used for recreational use. And they look at
3 whether or not there are endangered species. And
4 all those things, if the answer is yes, it bumps
5 the score up a little higher. All of those factors
6 contributed to EPA evaluating this site over 28.5.
7 Those factors, probably more so than the actual
8 contamination, serve to elevate the score because
9 of where the site is situated, there was like a lot
10 of that score was due to nearby population density,
11 recreation, endangered species, groundwater
12 contamination.

13 BOARDMEMBER LEVINE: Here we are at the
14 Presidio, right smack in the middle of a very
15 highly populated area. This has to be considered.

16 MR. McCABE: It was, I'm sure.

17 FACILITATOR BUFORD: Okay. Scott, and
18 then we'll take a break.

19 MR. MILLER: The question was, can we get
20 a copy of the rankings, or the substitute rankings
21 for the Presidio?

22 BOARDMEMBER WORK: I'm not sure of the
23 answer to that, but I'll check. The reason -- if
24 this was a private site, I think the answer is no,
25 you can't, but for a federal facility, I'm not too

1 sure. I'll check on that.

2 MR. MILLER: And second, was the Presidio
3 ranked as a whole or in part?

4 BOARDMEMBER WORK: I believe the answer
5 is as a whole.

6 MS. KWEI: Fence to fence, versus a
7 parcel. But for a private site, the communities,
8 the reason that a community may want to have a site
9 listed is because once it's listed, you get it on
10 the federal Superfund for the cleanup. But in this
11 case, it doesn't really matter because the money
12 comes from DOD no matter what. In some communities
13 where the closing bases are located, strongly
14 opposed to having the site listed on NPL site
15 because the stigma, because of the cloud hanging
16 over and the base being a NPL site, it might be
17 hard for them to get a loan from the bank. The
18 bank would say, "Oh, this is a NPL site." So there
19 are two sides to the factors.

20 BOARDMEMBER LEVINE: It's quite
21 interesting because of what happened this week at
22 Vallejo at Hamilton Air Force Base. I think that
23 has repercussions here, because they want to turn
24 the site over -- part of the site over for low
25 income housing and homeless housing, and this leads

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1 to two questions. The one answered by debate, how
2 would this affect a site thing. And again, yes,
3 Hamilton has been around now -- I think for 20
4 years they've been trying to convert it or to do
5 something with it and it's taken an awful long
6 time. And finally, they have one agreement.

7 BOARDMEMBER FUENTES: Talking about
8 repercussions, you need to look at some other bases
9 too, like Mare Island, Treasure Island, all those
10 sites. I think if we look at the Presidio being
11 listed on NPL, that means there will be listing all
12 those facilities under NPL, because you judge it by
13 a state-wide basis.

14 BOARDMEMBER LEVINE: Yeah, I agree with
15 you, Romy, except for one thing. We're concerned
16 with the Presidio, and this is -- to me it's like
17 the bellwether, it's the one that is the most
18 publicized because of what it is. And what happens
19 at the Presidio is going to be I think carried on
20 for years, and what's going to happen to the other
21 six bases that are faced with that?

22 BOARDMEMBER FUENTES: It think it's
23 depending on the makeup of the community, whatever
24 they want. You know, they could raise those
25 issues, too, up in Washington.

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1 BOARDMEMBER LEVINE: Well, I think that
2 where we have to raise the issues, though, is you
3 have to start here and then go from there. You
4 have to have a starting point, and this is a very
5 important starting point here. Find out how and
6 why and then go from that point to raise it to your
7 various representatives.

8 BOARDMEMBER FUENTES: I think you could
9 come up with advantages of putting Presidio on NPL
10 and that would really help the decision making.

11 BOARDMEMBER LEVINE: I can think of one
12 very important one.

13 FACILITATOR BUFORD: Okay.

14 MR. McCABE: Just let me point out, too,
15 that you can look at the hazard ranking system
16 yourself. It's 40 CFR, Part 300, Appendix A. It's
17 all there.

18 BOARDMEMBER LEVINE: Just one last
19 point. Can we get a copy of the -- the -- I just
20 wrote it down. I'm sorry. A copy of what you
21 presented, of your notes? What the role of the
22 federal environmental laws are from what you spoke
23 of, from your standpoint?

24 MR. McCABE: I'm not sure what --

25 FACILITATOR BUFORD: He wants a copy of

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1 your speaking points tonight. Do you have copies
2 of the laws maybe you referred to?

3 BOARDMEMBER LEVINE: If we gave you our
4 cards or whatever, can we get copies sent to us or
5 made available?

6 MR. McCABE: I have an agenda that I
7 would make some sense out of it. Might not make a
8 great deal of sense to you, but if there's some --

9 BOARDMEMBER LEVINE: I would like to get
10 the -- I would like to use the transcript. Thank
11 you.

12 BOARDMEMBER GIRARDOT: Could the Army
13 supply us with a copy of the hazardous ranking
14 system?

15 FACILITATOR BUFORD: That question was
16 asked and Michael, you said that you'd look into
17 it?

18 BOARDMEMBER WORK: Well, if you -- as
19 Gavin pointed out, you can -- the hazardous ranking
20 system itself is in the Federal Register. Now, the
21 actual EPA evaluation of the Presidio is like a
22 separate document and I'm going to check on whether
23 or not that's available.

24 FACILITATOR BUFORD: Are you talking
25 about the specific -- or the CFR?

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1 BOARDMEMBER GIRARDOT: What I was --

2 FACILITATOR BUFORD: I think he'd be
3 happy to make sure you get copies of it.

4 Okay. Before Rich gets into his talk,
5 the court reporter needs a break. And so we'll
6 take a ten minute break and then come back and hear
7 Rich. And I know there are other questions, but we
8 want to make sure that we get all of the
9 presentations out before we continue.

10 (Recess taken.)

11 FACILITATOR BUFORD: Okay. We'd like to
12 get started on the last part of the agenda, and
13 before you get the lights, Romy has some handouts
14 on Rich's presentation, or is it --

15 BOARDMEMBER FUENTES: No. On the
16 presentation that Orchid did, and Gavin actually
17 mentioned all this cleanup process.

18 FACILITATOR BUFORD: Romy has some
19 handouts that will explain both what Orchid and
20 Gavin talked about this evening. And while he's
21 handing those out, I'd like to introduce Rich
22 Hiatt, the Remedial Project Manager from the
23 Regional Water Quality Control Board. And he will
24 talk specifically about Water Board authority and
25 underground storage tanks.

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1 MR. HIETT: That's right.

2 FACILITATOR BUFORD: Okay. And with
3 that, are you ready?

4 MR. HIETT: Yeah. Maybe if someone could
5 just hit about half the lights. We'll see how this
6 works.

7 (Discussion off the record.)

8 MR. HIETT: Hello, everyone. I just
9 wanted to start out by saying that tonight Romy
10 Fuentes asked me to talk specifically to
11 underground storage tanks. And I also had
12 discussions with Rob Reinhard, and we were trying
13 to figure out exactly what would be most beneficial
14 to everyone here as far as just kind of an overview
15 of tank laws. That will put everyone to sleep real
16 quick.

17 But what I thought I would try to do is
18 kind of put together a compilation, and this was
19 going to include underground storage tank laws,
20 Regional Board's policies, and what we're really
21 trying to get at is how do you come up with cleanup
22 levels?

23 And rather than just throwing a dart at a
24 dart board, we do actually have a -- kind of a
25 thought methodology, and that's what I'm trying to

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1 present tonight. Just talking about underground
2 storage tanks, as has already been discussed,
3 CERCLA does not address petroleum. It's excluded
4 in this. And also in terms of pollutant or
5 contaminant under the definitions of CERCLA, it
6 also does not apply. Therefore, releases, when
7 you're talking about petroleum, you can talk about
8 -- you need to be talking about state law, because
9 as of now, the Presidio is not a CERCLA site. It's
10 not an NPL site, in other words, is what I'm trying
11 to say.

12 Therefore, you're looking at non-NPL
13 laws, which are state laws, and how they're going
14 to be addressing underground storage tanks.

15 BOARDMEMBER ALEXANDER: When you said
16 that, you're referring specifically to underground
17 storage tanks?

18 MR. HIETT: Right. If you're -- if this
19 was an NPL site, for example, we'd be looking at
20 RCRA, Subtitle 1, to address underground storage
21 tank releases of petroleum hydrocarbons in
22 specific. So therefore, as the Presidio is not,
23 then we're going to be looking at the laws for the
24 state.

25 And basically how you come up -- how the

1 whole tank program fits together. And what I
2 wanted to do is just kind of say, how does the
3 state regulate underground storage tanks? And I'll
4 put on a bit of a show on this one.
5 And basically, it starts out looking at
6 United States Code. And from the United States
7 Code it -- the federal government is very kind.
8 They say if you guys want to go ahead and try to
9 run your own underground storage tank program, go
10 ahead and pass a law and do it.
11 Continuing on with that, the specific
12 areas of the law that address underground storage
13 tanks are in what's called the Health and Safety
14 Code, and they're two specific areas, Chapter 6.7
15 and 6.75. Now under six-point -- these are often
16 cited in what's the regulations for the law, and
17 that's called Title 23 Waters, and that's Chapter
18 16. And these are the underground storage tank
19 regulations. So these are what I call the care and
20 feeding of your underground storage tank. These
21 are your -- they talk about new tank construction.
22 They talk about monitoring requirements. And as of
23 1992, they also put in a new article, it's called
24 Article 11, and that addresses the corrective
25 action of underground storage tanks.

1 So, exactly what is Article 11? Well,
2 Article 11 is basically going to be our trigger.
3 It's going to let us know what triggers an
4 investigation. And Article 11, Section 2724
5 basically breaks it down in four different areas.
6 And when you begin a groundwater investigation, or
7 investigation in particular, for underground
8 storage tanks, the first one is if there is
9 evidence of a surface water, groundwater, that's
10 been affected. Now typically, this is found if you
11 have a compliance monitor well over your tank, and
12 that's usually your first indication you've had a
13 leak.
14 If that happens, then you're going to be
15 doing an investigation for your tank. We're going
16 to be trying to determine what are the total
17 impacts to soil and groundwater of our tank.
18 The second one is if we have free product
19 or free phase. This is just a definition that
20 people apply for actual product. So if we had a
21 tank removal, we'd pull the tank out of the ground,
22 and we were looking into the tank excavation and we
23 saw a free phase product either in the soil or on
24 the water table, that would be another indication
25 we've had a release and we need to investigate it

1 further.
2 The third one is just evidence of
3 contaminated soils in contact with groundwater.
4 And this could be through visible staining or
5 whatever. After the tank's come out, one of the
6 first things you're looking at is stained soils,
7 again, free phase product. You're looking at
8 anything that's going to indicate that you might
9 have had a release at your tank siting.
10 And then the fourth one is just more of a
11 discretionary one. This could be based on the
12 person from either the city or the county or
13 whoever is actually doing the tank pull, so this
14 could be things like the tank had a hole in it, the
15 fill records don't match up, meaning the internal
16 reconciliation records for the tank don't match
17 up. And there is some causal reason why someone is
18 going to be requesting an investigation.
19 Now what I've tried to outline here is
20 just the regulations and what triggers them. Now,
21 it's also important to talk about one specific
22 area, and this is the most important law as far as
23 the Water Board. It's called the Porter Cologne
24 Water Quality Control Act. This was passed in 1968
25 to address surface and groundwaters and all water

1 bodies of the State of California. What it's
2 trying to do is it's a little bit more
3 comprehensive than the Clean Water Act in so much
4 as it does address groundwater. These are the
5 main points, or three of the bullets that I've
6 pulled out of the Porter Cologne that I think are
7 important to us.
8 The Porter Cologne addresses things like
9 permitting, so it would be NPS permitting, waste
10 discharge requirement, and things. So it would be
11 landfills, point surface discharges through an NPS
12 permit. Additionally in Porter Cologne, what it's
13 trying to do is it says we're going to go ahead and
14 start up a state board. You have nine regional --
15 did I spell that right? -- yeah, regional water
16 boards. You have nine Regional Water Boards in
17 the State of California. Ours is the San Francisco
18 Bay Region.
19 And what the Regional Water Boards are
20 supposed to do is come up with what's called a
21 Basin Plan. And this Basin Plan is supposed to say
22 how are you going to meet through numeric and
23 narrative descriptions to protect the water
24 quality. And moreover, it defines the beneficial
25 uses within your region. So they say go out to

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1 your region, look at what you've got, define what
2 the resources are, and then try to describe what
3 the beneficial uses of those resources are.

4 This will eventually get around to
5 cleanup numbers, I promise.

6 BOARDMEMBER ALEXANDER: Have those plans
7 been completed?

8 MR. HIETT: Yeah. The Basin Plan is
9 re-upped every few years, every three or four
10 years. What happens is it goes back, we take it
11 back before the State Board. It goes before the
12 Office of Administrative Law. And we're trying to
13 keep current. The Basin Plan grows. It's a
14 growing, living document. So things that
15 ordinarily -- or weren't addressed in previous
16 Basin Plans, such as groundwater contamination,
17 that's a good example, in the early -- early '80s,
18 late '70s, you really didn't -- you didn't really
19 address groundwater contamination as much. Right
20 now we have a Basin Plan. It's at the -- at the
21 Office of Administrative Law. And it should be --
22 we should be having our most revised Basin Plan out
23 hopefully within the next four or five months, but
24 they've been staying that for two years, so --

25 So that's the Act. Those are the

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1 regulations. And then I just wanted to point out
2 or just describe briefly what beneficial uses are.
3 A beneficial use determination is something that's
4 critical when you start looking at the different
5 surface and groundwaters within a region. Now,
6 briefly, I've listed all of the different
7 beneficial uses of surface and groundwater. Most
8 often, when you're talking about underground
9 storage tanks, you're usually looking at municipal
10 and domestic supply.

11 Because what happens is in our area,
12 because of other policies, specifically 8863 which
13 is the definition of what constitutes a drinking
14 water source, most areas are drinking water.
15 Wherever you look in the Bay, it doesn't matter
16 almost where you are, you're going to find a
17 drinking water source. It's only in the very
18 fringe regions when you get infiltration of Bay
19 water and it makes some saline that you suddenly
20 fall outside of the definition for drinking water
21 supply. Most of the tank cases and most of the
22 sites that you'll find at the Presidio will fall
23 under this category, municipal or domestic supply.

24 And I wanted to talk about just briefly
25 something that's come up before. It's a policy in

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1 our office that's been talked about a little bit
2 here. It's called 68-16. It's also known as the
3 non-degradation policy. And basically it tries to
4 say that if you have high qualities of groundwater,
5 you want to try to maintain those -- you want to
6 maintain that level of use. And the only time when
7 you start looking away from maintaining that high
8 level of use, that high quality of groundwater, is
9 when you -- when treatment technologies aren't able
10 to clean down to the numbers that you'd like. And
11 there are real restrictions when you start talking
12 about groundwater cleanup. It would be really nice
13 just to say that we can turn on a pump and treat
14 system, or have a soil vapor extraction system and
15 get it cleaned up in a cost effective, expedient
16 manner. It just doesn't happen quite that way.

17 MR. MILLER: Just as a matter of a point
18 of interest --

19 MR. HIETT: Sure.

20 MR. MILLER: Is that a State Water Board
21 resolution?

22 MR. HIETT: Yes. That's correct. 68-16,
23 adopted in 1968. And, yeah. Absolutely.

24 So now I've defined just briefly some of
25 the policies you should look at. How you examine a

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1 site by identifying the beneficial uses. I've
2 listed just briefly some of the regulations which
3 you need to look at, what constitutes an
4 investigation. And now, I'm going to come to the
5 problem.

6 The problem that we have in our area is
7 we have a lot of underground storage tanks. We
8 have over 6,500 fuel tanks alone within this region
9 that have leaked. I think we have 1,100 non-fuel
10 site cleanups. The 1,100 non-fuel cleanups, those
11 would be things like solvent tanks, things that are
12 hazardous waste and things that are administered or
13 regulated by the Department of Toxic Substances
14 Control.

15 The problem also -- this is leading into
16 my next area, and this is going to address the
17 cleanup -- and that is the non-attainment zone, and
18 I'd like to bring that up in just a minute.

19 What I'm trying to say here is there are
20 a lot of sites within the area. We've been trying
21 for over ten years to get them all cleaned up. And
22 we have a lot of other pressures that push the
23 cleanup numbers and push cleanup, in particular for
24 underground storage tanks. The military base
25 closures are on a very tight time schedule, and if

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1 you're only looking at a five or ten year cleanup
2 time, oftentimes if you're looking at groundwater
3 cleanup, you could be looking 20, 40, 50 years down
4 the line. So it can take quite a while. So that's
5 one thing.

6 Political pressure also. You have
7 businesses, real estate companies in particular, a
8 lot of different entities that put -- that pressure
9 the State Board to try to say, to try to get these
10 cleanups going much faster, to try to take into
11 account economics. And that's not something that
12 our office is really focused on as of late, and
13 we're not really focused on it in particular.
14 We're pretty plodding in a lot of ways, I think.

15 The next thing that I wanted to touch on
16 -- I just briefly talked about the problem. One
17 of the ways that we're trying to manage this
18 problem, we're trying to incorporate the spirit of
19 the non-degradation policy. We're trying to also
20 address how we can get these things cleaned up the
21 fastest. It's a new policy that our executive
22 office has been running around telling everyone
23 about. It's called the non-attainment area.

24 And what this does is this says, look,
25 you -- underground storage tanks leak -- 90

1 percent-plus of underground storage tanks within
2 the state have leaked. What can we do to
3 regionally get these things cleaned up?
4 Now I want to just emphasize this one
5 point right here. It says reasonable protection of
6 beneficial uses. Now this is something that's kind
7 of new. I talked about beneficial uses. And
8 beneficial uses can be things like the potential or
9 probable beneficial use. So it's kind of this
10 nebulous thing. We are a resource protection
11 agency. And we're supposed to be carrying out the
12 Porter Cologne and Water Quality Control Act. And
13 that is we're supposed to protect the resources as
14 best as we possibility can. And this also has to
15 take into account some economics.

16 This new non-attainment area of policy is
17 trying to address that. It's saying go ahead and
18 get rid of the lion's share of the problem. Take
19 care of your free phase product. Remove the
20 polluted soils that are going to be polluting
21 groundwater. But then usually what -- oftentimes
22 you're left with the residual or the dissolved
23 portion of the plume. That's the part that takes
24 the longest. It's easy to go in and remove the
25 soil and free phase products, and you can usually

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1 do that in a few years.

2 When you start looking at the long-term
3 cleanup, it can take forever. So what this policy
4 is trying to say, it's trying to say, look, we
5 understand that there are some economic
6 constraints. We understand that there are
7 technical limitations as far as the treatment
8 systems themselves, and we're going to try to do
9 something about it.

10 So if we're looking at the Presidio tank
11 cases specifically, we would be looking at things
12 like this, trying to see if they meet the
13 non-attainment zone policy. Limited yield. So
14 this to me means less than 200 gallons a day. And
15 then the rest. You have a number of other
16 considerations to take into account as far as the
17 policy is concerned.

18 BOARDMEMBER ALEXANDER: I'm sorry, Rick.

19 MR. HIETT: Yes.

20 BOARDMEMBER ALEXANDER: You said limited
21 yield means --

22 MR. HIETT: Limited yield -- the reason
23 why I wanted to point that -- okay. Limited yield,
24 when you're evaluating whether or not a source of
25 water, source of groundwater is a drinking water

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1 source, there's a criterion that you evaluate that
2 with. And one of the criterion is looking at can
3 you remove two hundred gallons per day out of that
4 -- out of a well? Another consideration is the
5 dissolved solvents, the mineral -- how mineralized
6 is the -- how much dissolved solids are actually in
7 the water? If they're too high, then you have
8 scaling problems. And it's just not a usable --
9 it's not a usable source. You wouldn't want -- a
10 water purveyor wouldn't want to touch that. They'd
11 want to shoot for a higher water quality -- you
12 know, a higher water --

13 BOARDMEMBER ALEXANDER: I see. So what
14 you're doing is characterizing the groundwater in
15 the site --

16 MR. HIETT: That's right.

17 BOARDMEMBER ALEXANDER: -- in the area of
18 a spill.

19 MR. HIETT: That's exactly right.

20 BOARDMEMBER ALEXANDER: Okay. Okay.

21 MR. HIETT: So for each of the cases that
22 you would have, if you had 20 or 40 cases at the
23 Presidio, you wouldn't have to go through this
24 whole song and dance. You would know basically
25 that you're in a drinking water zone, unless you

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1 were up next to the Bay, and then you might have
2 surface water considerations to take into account.
3 So your beneficial uses for Presidio most
4 often would be drinking water source, fresh water
5 recharge. It's possible that you might even get
6 into -- excuse me. Fresh water recharge because
7 you have a lake at the Presidio. Other things to
8 consider would be the discharge of groundwater to
9 surface water. And that's another beneficial use.
10 And so --

11 BOARDMEMBER ALEXANDER: And when you --
12 pardon me again.

13 MR. HIETT: Sure.

14 BOARDMEMBER ALEXANDER: When you say
15 discharge of groundwater to surface water, does
16 that mean groundwater entering San Francisco Bay?

17 MR. HIETT: That's exactly right.

18 BOARDMEMBER ALEXANDER: Okay.

19 MR. HIETT: So all the polluted sites
20 along the Bay -- if you had a tank case that was
21 just right up next to the Bay, at some period of
22 time, that groundwater will eventually get into the
23 Bay.

24 BOARDMEMBER ALEXANDER: Okay.

25 MR. HIETT: So -- I'm sorry.

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1 true sense.

2 Another reason why you might not want to
3 do a pump and treat would be in areas where if you
4 pumped, you might have subsidence problems. You'd
5 pump out the groundwater along the Bay, and
6 suddenly someone's house starts tilting over. It's
7 a bad thing.

8 BOARDMEMBER REINHARD: It's my
9 understanding that the policy not yet been adopted
10 by the Regional Board --

11 MR. HIETT: It's going to be --

12 BOARDMEMBER REINHARD: -- but that --

13 MR. HIETT: It has been adopted by our
14 Regional Board as of September of this year. It's
15 gone to the State Board, and it's my understanding
16 that sometime in the early part of 1995, that other
17 regional boards are going to be adopting this
18 policy also.

19 BOARDMEMBER REINHARD: Isn't there a,
20 like another implementing memo being --

21 MR. HIETT: That's right. That's at the
22 Office of Administrative Law.

23 MR. MILLER: Both these -- the policies
24 that's -- written memorandum by the executive
25 director of the Regional Board? What form is the

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1 MR. MILLER: Two items on this
2 non-attainment area policy. One, is that only a
3 policy of the San Francisco Regional Board?

4 MR. HIETT: It is. And this is something
5 that's -- it's gone to Sacramento. They've -- to
6 my understanding, they're going to approve it.

7 This is also tied up in what I was talking about
8 earlier as far as the Basin Plan and the Basin Plan
9 Amendment. We've included some groundwater

10 amendments, and part of those groundwater
11 amendments say well, we know that we're not getting
12 the bang for the buck that we wanted out of the

13 pump and treat system. On some of these sites,
14 because of the characteristics of the site, we
15 don't think it's wise to clean them up. Areas of
16 San Francisco that we look at would be like
17 downtown San Francisco, for example.

18 Downtown San Francisco is highly
19 contaminated with hydrocarbons. The reason why you
20 might not want to clean it up is it's also a fill
21 area. So when you're doing your -- you're
22 literally drilling a hole down into parts of San
23 Francisco. You start encountering fill material --
24 rubble, bricks, things like that. So it's not a
25 shallow water bearing zone or an aquifer in the

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1 policy in?

2 MR. HIETT: What form is it right now?

3 MR. MILLER: Right. Is it in a written
4 form?

5 MR. HIETT: It's in a resolution. So
6 it's brought as a resolution before our Regional
7 Board.

8 MR. MILLER: Okay.

9 BOARDMEMBER REINHARD: I think this is
10 one of those things that it's worth people having
11 copies of.

12 MR. HIETT: Oh, absolutely. In fact, the
13 non-attainment zone policy in particular -- the
14 only reason why I'm rushing so fast, you guys, I
15 was told I have ten minutes to do this. I have
16 based it all on ten minutes, and I started sounding
17 like Chip and Dale.

18 And my supervisor said take this out,
19 take that out. If it's 15 minutes, they won't
20 know.

21 The other thing that I really should
22 point out, and this applies particularly to
23 petroleum hydrocarbons, and that's the bottom
24 bullet. And that is that hydrocarbons do degrade
25 if given the opportunity, meaning that they'll

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1 oxidize or biodegrade if given the opportunity.
2 I've been involved with many sites in
3 downtown Oakland where you've had spills that
4 occurred 20, 30 years ago and they're still there.
5 But what happens is typically, the nastier bits of
6 the gasoline plume tend to disappear first off, so
7 that's like the B-tech stuff -- the benzene,
8 ethyl benzene. That stuff tends to leave the site
9 real soon.
10 The stuff that you're left with are the
11 heavyweight hydrocarbons, and they can be around --
12 they're going to be around for a lot longer than
13 me.
14 MR. HENDERSON: Rich, this is a really
15 radical departure -- this is Roger Henderson with
16 the Corps of Engineers. Sorry --
17 MR. HIETT: If you'll notice, I was
18 trying to talk also fast because I just got
19 finished telling you about the non-degradation
20 policy which says, hey, if you pollute it, you need
21 to clean it up. And if you can't clean it up, you
22 need to show that we can't clean it up, and you
23 need to demonstrate that to the people of
24 California.
25 So this is different. And how it meshes

1 together is around that best treatment technology.
2 The non-degradation policy talks about well, if you
3 can't technically treat it, if the best technology
4 can't treat it, then you've given yourself an out,
5 effectively. And the out here is talking about
6 the dissolved portion of plumes that might not be
7 economically smart to remove. Because oftentimes
8 you're going -- again, you're looking 20, 30 years
9 down the road to get rid of the dissolved portion
10 of plumes.
11 Now, if we're looking at how to qualify
12 for a non-attainment area -- this is the Reader's
13 Digest version, by the way, you guys. There are
14 only four, there are four basic criterion that
15 you're looking at. Migration demonstration. That
16 means your plume basically hasn't moved very far.
17 Some of the experience that was cited in the other
18 overhead, it said -- it was talking about Board
19 experience.
20 Part of the thing we've realized is that
21 most of the time, petroleum hydrocarbon plumes just
22 don't move that far. And I want to be careful when
23 I say that, because you can get into environments
24 where you get stuff just running off of the site
25 extending for up to half a mile. Typically,

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1 though, we find that they're fairly limited in the
2 extent of just a couple hundred feet.
3 The second thing you want to consider
4 when applying this policy is source removal. So
5 again, that's the removal of the free phase
6 product. And that's keeping in line with the
7 regulations and how they protect -- Chapter 16
8 regulations for underground storage tanks. They
9 specifically say you have to get rid of the free
10 product. Part of it is because they don't want
11 things to just go boom. They don't want -- you
12 have problems if free phase product gets into the
13 sewer systems, gets underneath buildings, and then
14 you have a real fire hazard. So, then --
15 And then the second thing is dissolved
16 free phase cleanup is not effective. And you can
17 get sites cleaned up. You just have to spend a
18 whole lot of money and a whole lot of time doing
19 it. And we're trying to say that what you're left
20 with once you've cleaned up the lion's share of the
21 problem, maybe it's just best to monitor what
22 you've got left behind. And that's what kicks into
23 the Residual Risk Management Plan. So you're
24 talking about leaving residual groundwater
25 contamination or leaving residual soil

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1 contamination.
2 So I didn't really get to numbers, and
3 the reason why is because we don't have numbers. I
4 wish we had numbers. My job would be really easy.
5 People could call up and I could say the number is
6 six or whatever for soil in the ground. It just
7 doesn't work that way. So everything has to be
8 evaluated. You have to look at the basin. You
9 have to look at what the beneficial uses of that
10 basin are, and then you decide on cleanup based on
11 -- well, now, based on economics and based on,
12 based on risk.
13 So if you're looking at this -- it's a
14 bifurcated process. You're taking health and
15 you're taking resource protection into account. So
16 oftentimes when we're working in conjunction with
17 DTSC, we might have a site -- I'm trying to think
18 of an example here -- where you can clean up to a
19 health standard and you might not necessarily
20 protect water quality standards. That happens all
21 the time. I was trying to think of an example the
22 other way around. Protecting the water quality;
23 you don't have a health problem. Couldn't come up
24 with one.
25 FACILITATOR BUFORD: Scott.

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1 MR. MILLER: My understanding is that the
2 agency does not have jurisdiction over the Presidio
3 other than as acting in an advisory capacity to
4 the DTSC. And whatever -- whatever I'd like to see
5 incorporated into the site would be through the
6 FFSRA; is that right?

7 MR. HIETT: Well, this is the first
8 thing. Presidio is not a CERCLA site; therefore,
9 we're talking about state laws.

10 MR. MILLER: State laws or federal?

11 MR. HIETT: State laws. So state laws
12 are going to apply right now unless this thing gets
13 listed as an NPL site, which it's not. What I'm
14 saying --

15 MR. MILLER: What about a federal
16 facility? Would state law apply to a federal
17 facility?

18 MR. HIETT: I'm trying to get to your
19 question in just a second.

20 So what I'm saying is the laws that are
21 going to apply here are going to be discharges
22 under the Water Code, is it a threat to a water
23 body, one. And two, is it -- is it regulated under
24 Chapter 16?

25 MR. MILLER: I understand. My

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1 understanding is state law does not apply to
2 federal facilities, generally.

3 MR. HIETT: It does.

4 MR. MILLER: I didn't know that.

5 BOARDMEMBER REINHARD: Could I ask a
6 question?

7 MR. HIETT: Sure. I'd love to answer any
8 questions.

9 BOARDMEMBER REINHARD: Rich, you spoke in
10 a very interesting presentation about your approach
11 to cleaning up water directly, but the Water Board
12 also looks carefully at cleanup of soil --

13 MR. HIETT: That's right.

14 BOARDMEMBER REINHARD: -- affecting
15 groundwater. And I wonder if you could talk for a
16 couple of minutes about the tank sites here and the
17 Water Board's approach to the soils.

18 MR. HIETT: Sure. The Water Board, under
19 the Porter Cologne Water Quality Control Act
20 regulates or looks at pollution in a very unique
21 way. They say does it pose a threat to water
22 bodies? Does it pose a threat to surface or
23 groundwater? So that could be almost anything.
24 That could be petroleum hydrocarbons, TC, blue gel,
25 whatever it was that was discharged. Does it have

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1 a potential to migrate either in the surface water
2 or groundwater? And if it does, then we're going
3 to get very interested in that.

4 We're going to want to say how much of an
5 impact is that, and is that impact going to
6 appreciably change beneficial uses? And I keep
7 harping on beneficial uses. This is the crux.
8 What I've tried to present here is how we think
9 about things and how our mind set is when we
10 address all types of different contamination.

11 One thing I didn't touch on, and that is
12 that landfills would be addressed in pretty much
13 the same way. Just substitute Chapter 15 for
14 Chapter 16 under state law, state regulations that
15 apply. And so you've got Porter Cologne, Chapter
16 15, and we're still going to be looking at it in
17 the same way.

18 So all of our non-hazardous waste
19 landfills that you have at the Presidio, for
20 example, we'll be looking at those, and okay, it's
21 a pollution source. It falls outside of our
22 jurisdiction of the Chapter 15 regulations
23 pertaining to landfills, so now we just look at it
24 like a big blob of pollution. Is that big blob of
25 pollution going to get down in the groundwater

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1 table? Is it going to migrate off and get into the
2 surface water?

3 BOARDMEMBER REINHARD: As to petroleum in
4 the soil in particular --

5 MR. HIETT: Uh-huh.

6 BOARDMEMBER REINHARD: -- can you talk
7 about how the Water Board thinks about particular,
8 or evaluates particular levels of petroleum in the
9 soil?

10 MR. HIETT: Sure. Absolutely. If you're
11 trying to -- say, for example, we've identified --
12 maybe I should draw this up on the board. Say, for
13 example, we've identified that a beneficial use of
14 the groundwater at the Presidio is drinking water.
15 Maybe one of the goals then would be to achieve
16 MCLs as far as the remedial goal, just as an
17 example.

18 Well, oftentimes petroleum hydrocarbons,
19 they don't have MCLs. There are MCLs for benzene
20 and MCLs for a few other carcinogens --

21 BOARDMEMBER ALEXANDER: An MCL is --

22 FACILITATOR BUFORD: Can you explain what
23 that is?

24 MR. HIETT: I'm sorry. I forget my
25 audience.

1 Maximum Contaminant Levels. And those
2 are things set by the Offices of Drinking Water,
3 the Department of Health Services, for conveyed
4 water. So any time you go to the tap, MCLs are
5 what the State of California has said it's okay for
6 you to drink. And those are based on both
7 performance and economics. Because oftentimes when
8 you're treating water, you also get problems
9 associated with it. You can -- because of the use
10 of chlorine, you can have a chlorine residual, and
11 you can also have -- let's see. What is the -- oh,
12 well, anyway. I don't want to get into that too
13 much.

14 But anyway, MCLs are cleanup standards
15 for -- they're not cleanup standards. They're
16 standards for drinking water. And we often use
17 them as kind of a marker or a yardstick to compare
18 our cleanup by. They figure if your groundwater is
19 at MCLs, technically it's a drinking water, how
20 clean -- should you clean it beyond what you'd
21 expect coming out of your tap? And the answer
22 typically is no. So where was I?

23 BOARDMEMBER BLANK: So how do you get
24 from what's in the soil to that?

25 MR. HIETT: So what's in the soil to

1 what's in the groundwater? So we've identified a
2 beneficial use is drinking water, and we want to
3 say that we're going to apply drinking water
4 standards to a particular area. How I would do it,
5 and how oftentimes people in the underground
6 storage tank program have done it is we start
7 looking at what's the leachability potential for
8 those soils? They have hydrocarbons in them, but
9 what does that mean? Is that something that can
10 get in the groundwater table? They have models
11 that can demonstrate that no, it won't get in and
12 when you change a couple of parameters of the
13 model, then yes, it will get in.

14 So there are some physical ways that you
15 can do that. You can actually look at -- you can
16 look at leachability tests through soil columns.
17 So you would have an actual column of soil taken
18 from the site. You go out and take a sample, and
19 you take the soil column into the lab. And you'd
20 run water through it. And what comes out the
21 bottom, the water that comes out the bottom, that's
22 going to be your MCLs, that's going to be your
23 cleanup goal.

24 So for us, if we were trying to see
25 whether or not soils needed to be cleaned up, I

1 would start looking at things like leachability
2 potential of those soils. So you could look at
3 things like WET tests or Toxicity Characteristic
4 Leaching Potential tests, or TCLP. Modified TCLP
5 to try to more approximate the rain water.

6 When we start looking at cleanup of
7 petroleum hydrocarbons, I just want to emphasize
8 that the tests that you have might be actually too
9 rigorous. It might be over-conservative in some
10 ways. So they do have some tests that are --
11 they're not official, but we look at them to kind
12 of give us a best guesstimate as to whether or not
13 this stuff is going to get into the water table.

14 So that's drinking water. And then if we
15 were looking at agricultural supply, we might clean
16 up to agricultural supply. If we didn't have
17 either one of those, then we might be looking at
18 surface water. And then we would start looking at
19 bays and estuaries and others and meeting the
20 objectives for surface waters at the discharge
21 point.

22 BOARDMEMBER REINHARD: And actually --
23 I'm sorry to interrupt you. I have a question
24 which maybe is sort of a technical question, but I
25 was just wondering, this week after the ground is

1 so saturated, is this a particularly good time to
2 get out and take one of those samples to look at
3 leachability right now?

4 MR. HIETT: No.

5 BOARDMEMBER REINHARD: It's not?

6 MR. HIETT: Not particularly. You know,
7 petroleum hydrocarbons, for the most part, don't
8 want to get in the water. So when you're talking
9 about underground storage tanks for petroleum, they
10 don't want to get in the water. They want to stay
11 pretty much where they are. That's why you see --
12 oftentimes you'll have gasoline floating on the
13 water table. It doesn't want to dissolve and get
14 into the groundwater. It would prefer to stay just
15 where it is. That's where it's most happy. So you
16 tend to find the lion's share of the problems in
17 the zone or the fringe right between where the
18 groundwater and the soil interface. That's where
19 the gasoline typically partitions out.

20 BOARDMEMBER REINHARD: But for some
21 non-petroleum --

22 MR. HIETT: Non-petroleum, usually you'd
23 start looking at the specific gravity of the
24 constituent.

25 BOARDMEMBER REINHARD: I'm sorry. This

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1 is a question that maybe should be reserved for
2 another workshop. It just struck me while you were
3 talking that it's interesting --

4 MR. HIETT: Right. Water does help
5 migrate pollutants.

6 BOARDMEMBER BALL: Is there a MCL for
7 total petroleum hydrocarbons?

8 MR. HIETT: No. They do have some tapes
9 and other numbers that have been used by the --
10 American Petroleum Institute did a study at one
11 time. And they said -- because when we're looking
12 at evaluating a drinking water source, they have a
13 primary and secondary standards. And secondary
14 standards typically revolve around can you taste it
15 or smell it? And they get a panel of people
16 together, and you have nine people and they all sat
17 down with little glasses of semi-contaminated water
18 and shot it back. Well, some of them could taste
19 it and some of them couldn't. And what they came
20 up with was, well, if we run it at a hundred or 120
21 parts per billion, it's kind of an area where you
22 can start to taste it or smell it. So if you
23 really wanted to get pushy, you could probably make
24 that stick and that would be a secondary drinking
25 water standard for petroleum hydrocarbons.

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1 MR. HIETT: Well, you shouldn't look at
2 that number. But then there's a reason why not.
3 100 ppm was quoted in our office for a while as a
4 -- and all it was is a in-house number to kind of
5 help prioritize our sites. So we said, ah, 100
6 ppm.

7 The thing that you need to understand
8 when you start talking about cleanup numbers is the
9 carrying capacity of the soil. Some soils can hold
10 a lot more hydrocarbons than others. Okay? So for
11 one side it might be 10,000. It might do -- go
12 ahead and do your leachability test. And you say
13 10,000 ppm works out just fine. That's a cleanup
14 number. And as long as it meets human health
15 criteria for the land use, whether it's industrial
16 or residential, as long as that's okay, then the
17 1,000 ppm would be just fine and dandy as far as
18 the water quality is concerned.

19 And another site, you might have another
20 area where the soils just won't hold that much.
21 They don't have the carbon content to hold the
22 organics in place. So what happens is maybe your
23 cleanup number is going to drop down. And that's
24 why it's still -- cleanup is still done in our
25 office on a very site-by-site basis. So a big site

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1 BOARDMEMBER BALL: And is that adopted,
2 or --

3 MR. HIETT: No, no.

4 BOARDMEMBER BALL: That's recommended.

5 Is this state, or is this just talked about?

6 MR. HIETT: This is just talked about.

7 FACILITATOR BUFORD: Any more questions
8 for Rich?

9 MR. HIETT: I'm sorry I had to go so
10 fast.

11 BOARDMEMBER BALL: I just have one more
12 quick question.

13 FACILITATOR BUFORD: Go ahead.

14 BOARDMEMBER BALL: There's a magic number
15 that was talked about, I believe, at one of the
16 previous -- a hundred ppm for soils.

17 MR. HIETT: Right.

18 BOARDMEMBER BALL: And I was wondering if
19 you could maybe discuss what that means and whether
20 -- your presentation now sort of, kind of avoids
21 that, talking about a number at all. And I was
22 wondering if you could maybe give a little bit of
23 historic reference to where that hundred ppm comes
24 from and why we should or should not look at that
25 number.

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1 I like Presidio, you might have one area that's
2 10,000 and it's fine, and another area, 100 is
3 fine. And you're going to have to look at both
4 land use and how you want to develop the property
5 and water quality for that area. The beneficial
6 uses of that particular basin. So you take those
7 hand in hand when you're trying to decide how clean
8 do you need to make that.

9 BOARDMEMBER BALL: And on the other side,
10 is there a number -- again, I'm going back to this
11 number thing.

12 MR. HIETT: Sure.

13 BOARDMEMBER BALL: Is there a number that
14 below which is considered clean that you can look
15 at, or again, is it site by site?

16 MR. HIETT: Well, see, that's the thing.
17 When I mentioned threatening water quality, or
18 threatening a water body, it could be something
19 very minute if you're talking about chlorine
20 hydrocarbons.

21 BOARDMEMBER BALL: I'm talking
22 specifically about petroleum.

23 MR. HIETT: Petroleum hydrocarbons then.
24 Again, it just -- it varies all over the place.
25 It varies all over the place. We've been trying to

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1 come up with numbers for years.
2 One of the guidance documents we have is
3 called The Leaking Underground Fuel Tank Manual,
4 and that came out eight years ago. And what that
5 was supposed to do is kind of give you a flow chart
6 and say if you start here and you want to go here,
7 you'd have to go through these little hoops and you
8 actually get cleanup numbers. The problem is, it
9 didn't really work very well for our region.
10 We had such shallow groundwater, we
11 didn't have these large buffer zones. As the
12 pollution goes down through the soil, it tends to
13 kind of stick there. So you kind of see a plume
14 and then you'll see, you know, it won't all just go
15 down as one. So you'll tend to see it kind of
16 stick behind. So in our region, it didn't work
17 really well. The numbers were too darn high.
18 They're going to be revising that. The
19 staff at Lawrence Livermore National Labs have
20 taken that on as a State Board-sponsored project.
21 So we're going to come up with a new document. And
22 it's going to take -- from my understanding, it's
23 going to take risk assessment into the
24 calculation. So it's going to again depend on
25 where you're at to determine cleanup numbers.

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1 at one point or another is being conducted under
2 CERCLA, the federal CERCLA statute.
3 The underground storage tank fuel
4 distribution system restoration program is being
5 conducted under RCRA, Subtitle I. And you've heard
6 some discussion about that. Asbestos and
7 lead-based paint cleanup projects are primarily
8 being conducted under TSCA, the Toxic Substances
9 Control Act. Those are the primary statutes that
10 relate to the Presidio cleanup.
11 I might point out that there is a point
12 of contention that's actually rather a technical
13 legal point of contention between the federal
14 government and the state government as to the
15 applicability of CERCLA to the Presidio cleanup or
16 certain portions of the Presidio cleanup.
17 It's been our interpretation that
18 although the site is not listed on the National
19 Priorities List, still, CERCLA, Section 104 gives
20 us the authority to conduct the cleanup, and the
21 federal CERCLA statute does apply to the Presidio
22 cleanup. That doesn't mean the state laws don't
23 apply. They do apply.
24 We've already heard some discussion about
25 ARARs, for example. A lot of state laws come in as

1 FACILITATOR BUFORD: Okay. Thank you.
2 MR. HIETT: Sure.
3 FACILITATOR BUFORD: Now we'd like to
4 hear from Captain Dave Stanton on the last agenda
5 item, BRAC Cleanup Team Concept and Public
6 Participation.
7 CAPTAIN STANTON: Thank you very much,
8 Shirley.
9 I'm actually going to modify that
10 slightly and talk about some other things.
11 FACILITATOR BUFORD: Okay. Go right
12 ahead.
13 CAPTAIN STANTON: I'd like to recap a
14 couple of things that have already been discussed.
15 You've already heard some discussion about CERCLA,
16 RCRA and TSCA, and some of the state laws. And I'd
17 like to tell you sort of how these apply to the
18 Presidio specifically. I think we've talked about
19 some of these things before.
20 But just to sort of put it all in context
21 for you, the environmental restoration program of
22 the Public Health Services Hospital at the main
23 installation and the ecological sampling and
24 analysis program that has to do with the storm
25 water outfalls that I think you've all heard about

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1 applicable, relevant and appropriate requirements
2 in the selection of the remedy at the two primary
3 CERCLA sites, for example.
4 Other state laws continue to apply. For
5 example, RCRA, Subtitle I, state and local laws
6 have been authorized by the federal EPA and they
7 apply, for example, to the underground storage tank
8 fuel distribution system cleanup project.
9 With that, are there any questions for
10 me?
11 MS. KWEI: Well, your honor, please let
12 the record show that the state does not agree with
13 the Army's position.
14 BOARDMEMBER ALEXANDER: Well, that's my
15 question. I would like to hear what the state's
16 view -- I'd like to hear the state's view.
17 MS. KWEI: It's a gray area. The law is
18 not that black and white. So in order for us to
19 proceed and to work together, I think both sides
20 have conceded. We just decided not to argue about
21 it. We decided to go ahead and whatever agreement
22 we will enter into would cite both federal statutes
23 and state laws.
24 BOARDMEMBER ALEXANDER: Well, but what
25 I'm trying to get is a sense of what does this

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1 mean? If CERCLA didn't apply, what would--

2 MS. KWEI: CERCLA does. CERCLA says that
3 -- okay, we agree with them. We think the federal
4 law does apply.

5 BOARDMEMBER ALEXANDER: Okay.

6 MS. KWEI: And in the federal law, the
7 law says that you shall comply with state law if
8 it's not on the NPL. But as I understand, at least
9 the Navy says that they agree with us, but they are
10 the enforcer of the state law against themselves.
11 The state doesn't get to enforce the state law
12 against the Navy. That's the Navy argument. Quite
13 interesting, but we decided to --

14 BOARDMEMBER ALEXANDER: So the
15 responsible agency becomes it's own regulator?

16 MS. KWEI: Yeah. We -- they say we are
17 the lead agency, so we said, yeah, you are. You
18 are the lead polluter, and we're the lead
19 regulators. So we can't argue about that forever
20 because we argued with the Navy for three, four
21 years and finally we just said okay, we both cave
22 in. Why don't we enter into agreement? And in the
23 agreement we acknowledged that there is a
24 difference of opinion, but we decided we're going
25 to go ahead and work with each other.

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1 or a couple of months, or I don't know how long
2 now.

3 MS. KWEI: We have agreement between the
4 two federal agencies to work together.

5 BOARDMEMBER BLANK: So now are you guys
6 going to initiate the negotiations?

7 MS. KWEI: We got a draft agreement from
8 -- actually from both the Army and the Park
9 Services jointly. And the Water Board attorney is
10 looking at it right now. And the attorney is going
11 to give us the comments, so we're ready. The state
12 is ready.

13 BOARDMEMBER ALEXANDER: So there seems to
14 have actually been some movement here.

15 MS. KWEI: Oh, yeah. Oh, yeah. Of
16 course, we blame everything on the federal
17 government, taking two years to work it out.

18 BOARDMEMBER ALEXANDER: I understand.
19 Does this mean, though, that the situation that you
20 described with the Navy then would not exist here?
21 In other words, that there would be a regulatory
22 oversight of the responsible agency?

23 MS. KWEI: Yeah, we have that arrangement
24 with the Navy, just that we had --

25 BOARDMEMBER ALEXANDER: I'm talking about

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1 BOARDMEMBER ALEXANDER: Now, but if this
2 agreement is what I think it is, the FFSRA, the
3 Federal Facilities Site Remediation Agreement, at
4 the Presidio there is no FFSRA.

5 MS. KWEI: We are going to negotiate with
6 them.

7 CAPTAIN STANTON: We're negotiating that.

8 BOARDMEMBER ALEXANDER: I'm sorry. I --

9 MS. KWEI: We are going to have one, yes.

10 BOARDMEMBER ALEXANDER: Well, I've been
11 hearing that now for two years. And I've been
12 asking regularly how is it going? And the response
13 has --

14 MS. KWEI: It was almost finalized and
15 then the Parks showed up and said we want to be a
16 signatory, so it took two years for Parks to
17 resolve its differences with the Army. I think
18 it's being resolved, so we're going to proceed.

19 BOARDMEMBER ALEXANDER: Roberta, are we
20 close on this?

21 BOARDMEMBER BLANK: The negotiation
22 between the Army and the Park Service has been
23 completed --

24 MS. KWEI: Yes.

25 BOARDMEMBER BLANK: -- for several weeks

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1 here. I'm translating that to here. When the
2 FFSRA is signed, does that mean that the state will
3 be the lead regulatory agency? Cal-EPA will be the
4 lead regulatory agency regulating the responsible
5 party, the Army?

6 MS. KWEI: Yes. Under the agreement, we
7 say that the federal agency will prepare documents
8 for the state agency's review, comment and
9 approval. However, if we disapprove, and they
10 don't like it, they can walk away. And then we'll
11 basically say, "We'll see you in court." We'll
12 issue a unilateral enforcement order to require you
13 to work and to be subjected to our approval
14 process. But meantime, as long as we can get
15 along, let's just get to the work.

16 BOARDMEMBER ALEXANDER: Got you.

17 CAPTAIN STANTON: Agreed. One other
18 thing I'd like to talk about, and that's my
19 replacement, Captain Roger Cartwright from Fort
20 Lewis, Washington.

21 CAPTAIN CARTWRIGHT: I'm being awfully
22 quiet.

23 CAPTAIN STANTON: He's an environmental
24 attorney and he'll be attending these meetings in
25 the future. Thank you very much.

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1 FACILITATOR BUFORD: Are there any more
2 questions for the rest of the speakers?
3 BOARDMEMBER HEALY: Yes. Mike Healy. I
4 have a -- while we were sort of on this subject
5 here, one of the things I was wondering about was
6 the implication for the Presidio getting listed.
7 One of you said that it probably wouldn't make any
8 difference because the source of the cleanup money
9 would continue to be the same, so it seemed to be a
10 question about quibbling over it.
11 But I'm wondering if the Presidio were
12 listed on the National Priorities List, would this
13 throw wrenches in the progress of investigating
14 certain of the sites? Would requirements be less
15 strict because they wouldn't involve the state
16 anymore? They would simply involve the federal?
17 Would this FFSRA be thrown out and be started over,
18 or be irrelevant? Would there be ramifications to
19 a listing at this point?
20 FACILITATOR BUFORD: Okay. That's an
21 excellent question. Would you like to take it,
22 Gavin?
23 MR. McCABE: Sure. I can address part of
24 it at least. As you said, the funding wouldn't
25 change because the Army would be paying for it

1 regardless of whether it's listed or not. But the
2 major difference would be that EPA would become the
3 lead agency for overseeing it. And that the
4 Section 120 would require the Army to enter an
5 agreement with us, as opposed to with the state
6 where they can make an agreement perhaps or not
7 make an agreement. Statute actually requires them
8 to reach an agreement with us.
9 And once they do, there's a schedule
10 associated with that which would be the enforceable
11 part of the agreement. And we would then have
12 concurrence as to this whole remedy selection
13 process. The statute provides that both DOD and
14 EPA would select the remedy but that in the event
15 of a dispute between us, that EPA's position would
16 be the one that would be actually -- the remedy
17 that would be selected. So that would be the major
18 ramification.
19 MS. KWEI: And the state would continue
20 to be a signatory party to this agreement between
21 -- so it would be a three-way -- three-party
22 agreement. It would be the DOD, EPA, and Cal-EPA.
23 And we would basically be the support agency here,
24 but we still will review and comment on all the
25 documents, except that EPA would have the final say

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1 in terms of selection of a remedy in this case.
2 Knowing that some of these military bases
3 may someday get on the NPL, the state has tailored
4 the state agreement closely after this EPA
5 agreement just in case it one day gets on the NPL,
6 the existing state cleanup agreement would provide
7 a very smooth transition to the EPA agreement,
8 which we call Federal Facility Agreement.
9 So the language is similar. We all have
10 similar process. So it shouldn't be a big
11 problem. In fact, we have 18, these type of
12 agreements among EPA, State Cal-EPA and DOD folks
13 for 18 military bases in California. So we all
14 three work together.
15 FACILITATOR BUFORD: Did that answer your
16 question?
17 BOARDMEMBER HEALY: Yes, thank you.
18 BOARDMEMBER BLANK: What would be the
19 implication of that authorization if it went
20 through as it was written?
21 MS. KWEI: Oh, you mean delegating the
22 authority to the state? Gavin, you would lose your
23 job.
24 MR. McCABE: I could just work on private
25 sites.

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1 Well, that's an academic issue. It
2 doesn't look like that's going anywhere.
3 MS. KWEI: Quite a few states have joined
4 in an effort in urging EPA not to list more sites
5 on the NPL because some of you may think it's a
6 status symbol, but some of them think it's a
7 stigma, it may be a stigma. And also we have urged
8 EPA -- we meaning states, New York, California, and
9 Nevada, all kind of states -- have urged EPA to
10 de-list some military bases from NPL so that a
11 state can take the lead where we just want EPA to
12 give us the money. But I don't know where that
13 would be. That's in the Federal Superfund Reform
14 Act.
15 MR. McCABE: Which died.
16 MS. KWEI: Which died. EPA is still a
17 giant.
18 FACILITATOR BUFORD: Michael?
19 BOARDMEMBER ALEXANDER: I heard something
20 else mentioned, though, and as you were -- thank
21 you. I was very interested in that comparison of
22 what would change. And one thing that I heard was
23 something about an enforceable schedule? Can you
24 explain that?
25 MR. McCABE: The agreement we'd have with

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1 them would include a work plan. And the work plan
2 would be -- would serve as a schedule. And the
3 terms of the agreement would be -- all terms of the
4 agreement would be enforceable.

5 BOARDMEMBER FUENTES: You actually make a
6 very important point that there's an enforceable
7 schedule also for the regulators to provide
8 comments to the Army. So that's the advantage of
9 having an agreement. Because it works both ways.
10 It's not only a schedule for the Army. It's also
11 schedule for the regulators to provide comments.

12 BOARDMEMBER ALEXANDER: Okay. But do I
13 understand correctly that whether it's in the FFSRA
14 or it's in -- or if this becomes an NPL site, there
15 is an enforceable schedule, and that schedule is
16 what? A schedule of when cleanup will begin?

17 BOARDMEMBER FUENTES: We are proceeding
18 on the cleanup already. So we're not going --
19 we're just moving on. We have already done some of
20 the investigation.

21 BOARDMEMBER ALEXANDER: Mm-hm.

22 BOARDMEMBER FUENTES: And we are doing
23 this and we are doing project managers meeting.
24 We're doing the RAB. I think Army is meeting all
25 those requirements, even we don't have an

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1 agreement. So as long as they're complying with
2 what's required by state and federal laws.

3 BOARDMEMBER ALEXANDER: But is there a
4 schedule for cleanup required by state and federal
5 laws right now?

6 BOARDMEMBER FUENTES: Well, we're working
7 on a very dynamic schedule. That's the way to put
8 it. Because we need to incorporate comments as
9 well from the public and different agencies. We're
10 in a big responsibility of incorporating all the
11 requirements from state agencies. We're
12 representing not only DTSC. We're also
13 representing the Water Board and some other state
14 agencies that are involved, so it's a big
15 responsibility. And I'm sure the Army has some
16 input to that in trying to meet their own
17 requirements.

18 FACILITATOR BUFORD: Okay. Any other
19 questions? I'd like to personally thank the
20 speakers. I think you did a great job and thank
21 you for coming out. I thank everybody for coming
22 out on election night. That will end -- pardon?

23 BOARDMEMBER BLANK: Thank you, Shirley,
24 for facilitating.

25 FACILITATOR BUFORD: You're more than

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1 welcome. That will end tonight's workshop, and
2 goodnight.

3 (The meeting was adjourned at 9:50 p.m.)

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1 STATE OF CALIFORNIA }
2 COUNTY OF ALAMEDA } SS

3

4 I, Jill Anne Stephenson, Certified Shorthand

5 Reporter, do hereby certify:

6

7 That the foregoing proceeding was taken by Lori
8 Jordan, CSR employed by Clark Reporting, at the time and
9 place therein named; and

10

11 That the same was taken in shorthand and thereafter
12 transcribed into typewritten transcription under my
13 direction.

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15 I further certify that I am a disinterested party
16 to said action and in no way interested in the outcome
17 thereof no connected or related to any of the parties
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20 IN WITNESS WHEREOF, I have hereunto set my hand and
21 affix my official seal of office this 21 of Nov 93

22

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24

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Jill Anne Stephenson
CLARK REPORTING



THE RESTORATION ADVISORY BOARD MEETING

CERTIFIED COPY

TUESDAY, NOVEMBER 22, 1994

HELD AT

FORT MASON G.G.N.R.A HEADQUARTERS

SAN FRANCISCO, CALIFORNIA

7:00 P.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BY THERESA A. DARNELL CSR 9966

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PROCEEDINGS

BOARDMEMBER REINHARD: We have a number of things to get through tonight, and I understand there's another facilitator for this evening, and maybe, Bennett, you'd like to introduce him.

BOARDMEMBER HORENSTEIN: His name's Lester Levy, and my understanding is he's had experience in environmental remediation and facilitation. We've asked him to come facilitate the RAB in our efforts to look for a permanent facilitator and have a selection for this group to eventually decide.

FACILITATOR LEVY: Thank you. This is sort of an awkward room. If you can all see me, if this works well. Ordinarily I'd sit over here, but I think I'll just stay put and move around, if that's okay with you.

Just to tell you who I am. I'm Lester Levy. I am an environmental mediator. I work with a firm called (inaudible) and devote most of my working days to mediating environmental cases.

Prior to becoming a mediator I was -- I am a lawyer, but I've left the practice of law to mediate full time.

I just want to tell you what I think my role will be here tonight and see whether that's consistent

3

RESTORATION ADVISORY BOARDMEMBERS: (COMMUNITY AND TECHNICAL)

MICHAEL ALEXANDER
HAROLD BALL
JANETTE BAXTER
ROBERTA BLANK
SAUL BLOOM
J. DENNIS BONNEY
GREG BRIDGESTOCK
JOHN BUCK
DEXTER CHAN
RONY PUENTES
HEIDI GEVERTZ
JOAN GIRARDOT
MICHAEL HEALY
BENNETT HORENSTEIN
DOUG KERN
WILLIAM LEE
SOL LEVINE
ANDREW LOLL
BRUCE MCKLEROV
HELEN MARTE-BAUTISTA
JAN MONAGHAN
WILLIAM LEE/SCOTT NAKAMURA
PETER O'HARA
ROBERT REINHARD
LARRY STUHLMEIER
LYNN SUER
ELLIS HALLENBERG
MARTHA WALTERS
DAVID WILKINS
MICHAEL WYRK
SCOTT MILLER
LEERANN LAHREN

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with what you're thinking about doing, as well.

I know you've had other facilitators here. I know Doug well. I'm here mainly to keep the meeting moving, to keep it on track. I'm also going to try to keep the discussion focused on the issues that are of collective interest to the group; that is, to avoid side-track issues that can be dealt with between individuals after the meeting.

I also feel my role, if it's acceptable, is to help clarify issues and questions that some of the community members and others may have.

When I was a practicing lawyer, and as a mediator, too, I view my role as sometimes translating complex, but often foreign ideas in environmental cases to those who are not as familiar with them as some of the regulators and some of the consultants who are here today.

I don't particularly have any ground rules except the ones that I think you probably already heard; that one person speaks at a time. I'd like to try to finish by 10:00 o'clock today, and maybe the fact you have a relatively small turnout tonight will facilitate that.

I also took the liberty of trying to put some time values on the proposed agenda, and I'm wondering whether this is acceptable to you. I had a brief discussion with -- I'm sorry, I don't remember your name.

4

1 BOARDMEMBER BUCK: John Buck.

2 FACILITATOR LEVY: John Buck -- about how
3 much time he needed for two presentations he made. After
4 consulting with Bennett and others, it seems like we're
5 going to try to shorten that a little, if possible.

6 So what I was thinking -- and please tell me
7 if I'm way off base on this -- after we finish this
8 lengthy welcome introduction, is to spend ten minutes on
9 old business, assuming there isn't that much old business
10 to deal with; hopefully, the approval of the agenda will
11 take no more than five minutes; and then I thought we
12 would allot 30 minutes per presentation.

13 I know John said that he thought his
14 presentation would take probably twenty minutes,
15 uninterrupted; another ten minutes for discussion, along
16 those lines; twenty minutes for committee reports; and
17 then maybe ten minutes to close it. That's less than
18 three hours. It leaves some time for overrun, which often
19 happens.

20 I'll try to keep track and let you know as
21 we're nearing sort of the end of those periods, if that's
22 acceptable.

23 So why don't we start with old business, if
24 there is any.

25 BOARDMEMBER HORENSTEIN: The one item I asked

1 did express his interest to remain a RAB member, and said
2 that he was going to come tonight. But I don't see him,
3 or maybe he's late.

4 And my understanding -- I thought we did have
5 Bylaws.

6 BOARDMEMBER HORENSTEIN: I thought last
7 meeting we adopted a Charter and Bylaws as a living
8 document, and, in fact, the Organizational Committee
9 tonight in the committee report has some proposed
10 recommended revisions that we were directed to do, as well
11 as some other suggestions.

12 BOARDMEMBER REINHARD: So in answer to your
13 question about what do we do about the people who got
14 those letters, I thought that was a topic that we were
15 going to address tonight, maybe when your committee gives
16 a report or something.

17 BOARDMEMBER HORENSTEIN: That was an item we
18 were going to --

19 BOARDMEMBER WILKINS: Bennett, the deal with
20 the transcripts was, I had taken the lead in providing a
21 summary of the transcripts, and I think there was enough
22 feedback to say that my version of the transcript wasn't
23 satisfactory to the rest of the group, so we kind of left
24 it off there. And that's when the Organizational
25 Committee picked up the responsibility to identify

1 David to put on here, and he did, is the selection of a
2 secretary. Michael Healy, a member of the RAB's, agreed
3 to be secretary. He called me up 20 minutes before the
4 meeting and said he wouldn't be able to make it tonight.
5 So I wasn't too surprised and a bit disappointed, but I
6 think this may be older business next meeting.

7 What we were hoping, also, is once we had a
8 permanent secretary, people would be willing in his
9 absence to take notes on a obviously interim basis if he
10 just happened not to be here. That's something we could
11 do tonight, actually start tonight, and have minutes if
12 someone were so interested to be secretary tonight. Or we
13 could wait until next week when Michael's here.

14 BOARDMEMBER GIRARDOT: We're operating
15 without Bylaws for some time now. Have we scratched that
16 whole discussion, number one; number two, has a letter
17 gone out to the community members who have missed many
18 meetings, or are we assuming that they're off of the RAB
19 or not; and number three, I haven't received any verbatims
20 since the beginning of August. Am I the only one?

21 BOARDMEMBER REINHARD: Transcripts? I do
22 know the letters went out, because I got a copy, and I
23 received a call from one of the people who received one of
24 those letters, Ellis Wallenberg, and he said the reason he
25 hasn't attended is because he traveled so much. But he

1 somebody to be the secretary and assume that role on a
2 permanent basis.

3 So we have a volunteer who was unable to make
4 it tonight. If somebody wants to take that position
5 tonight, you know, feel free to do so, and you certainly
6 have the administrative support from my office, and I
7 think Bob's office, if you need help actually putting that
8 together.

9 BOARDMEMBER HORENSTEIN: She said the
10 verbatims. I think she's talking about the actual
11 transcripts.

12 BOARDMEMBER WILKINS: Well, what came back
13 from that, the verbatims are available, they're -- we get
14 a condensed version where they put like four pages on one
15 page, we get this single-page thing. Those are available;
16 I mean, we have them in my office in the repository. I
17 did not continue to distribute those after I did those
18 summary minutes in August, basically, because people
19 didn't say -- had indicated to me that they prefer the
20 summary minutes, and not necessarily my version of it,
21 because the regular transcript was just too lengthy and
22 too involved and you didn't really get a sense of what the
23 meeting was about -- I mean, just in a snapshot, anyway.

24 BOARDMEMBER GIRARDOT: Well, I'd like to
25 request that I be put on a list to receive the verbatims,

1 and I haven't received one since August 1st.

2 BOARDMEMBER WILKINS: And that's why, though.

3 BOARDMEMBER GIRARDOT: I understand that, but

4 I would still like to have the verbatims.

5 BOARDMEMBER WILKINS: We can do that. And

6 that goes for anybody else. And at whatever point that we

7 get Michael Healy onboard to act as our permanent

8 secretary to do summary minutes of our RAB meetings, if

9 anyone else still would want to have the full transcript,

10 let me know, and we can make the copies and distribute

11 those out to you.

12 BOARDMEMBER REINHARD: I just want to mention

13 that Ellis is here tonight.

14 FACILITATOR LEVY: Were your three questions

15 answered?

16 BOARDMEMBER GIRARDOT: I guess because I was

17 ten minutes late the last time, and I didn't realize that

18 we were operating -- the Bylaws question. I wasn't sure

19 the last -- my knowledge of it is that a member who is no

20 longer with us, Arnold Rossi, drew up the Bylaws with the

21 Organizational Committee. Then Mr. Reinhard wrote a

22 response to that, and I was not aware of anything that had

23 occurred subsequent to that.

24 BOARDMEMBER HORENSTEIN: There was a meeting

25 following that where we -- Mr. Rossi presented the Charter

1 all had to to walk through there because the front door

2 was locked. There was like eight people there and there's

3 thirty people up here. That's what they gave us, so we

4 just kind of have to suck it up. I mean, we had that room

5 scheduled downstairs for tonight. They knew that this

6 meeting tonight was going to be in this room two months

7 ago when we got the authorization for the facility here;

8 but for the last one we had, the legal workshop, that was

9 a very last-minute change-of-room location, but this one

10 was actually we knew for a while.

11 BOARDMEMBER REINHARD: But our permanent room

12 is down there?

13 BOARDMEMBER WILKINS: Yes, our permanent room

14 is the room downstairs, the larger room, yes.

15 BOARDMEMBER REINHARD: This is the exception

16 rather than the rule?

17 BOARDMEMBER WILKINS: Yes, that's correct.

18 BOARDMEMBER LEVINE: Well, we should make

19 sure of that because, you know, there are people who --

20 more people may want to come to the following meetings.

21 BOARDMEMBER WILKINS: Well, like I said, our

22 permanent room is downstairs. This one we knew like two

23 months ago that we were going to have this one for this

24 one. Last time we had the legal workshop, it was last

25 minute, and we kind of have to take what the Park Service

1 and Bylaws, and we voted to adopt them. Peter made a

2 motion, and we finally got a motion I think everyone

3 agreed on, and it was passed to adopt the Bylaws as a

4 living document with a directive to the Organizational

5 Committee to go back and address a half-dozen issues,

6 which we did, and we'll present tonight.

7 BOARDMEMBER GIRARDOT: So we're using the

8 original Rossi document as the working Bylaws?

9 BOARDMEMBER HORENSTEIN: Yes.

10 BOARDMEMBER GIRARDOT: Okay, thank you.

11 BOARDMEMBER HORENSTEIN: I think one of the

12 questions that we have to address as old business,

13 possibly, is the meeting room. This is kind of small, and

14 we've got people here. We've got to look at where we're

15 going to meet the next time, because there are people who

16 might want to come and to be as large as the one that was

17 downstairs.

18 FACILITATOR LEVY: Who is it that is at

19 fault?

20 BOARDMEMBER WILKINS: Oh, no one is at fault.

21 No, the issue with the meeting room is we coordinate that

22 with the administrative staff here in the building.

23 They say this is the room we have, you know. When they

24 tell us that the room downstairs is previously committed,

25 I mean, there's nothing we can do about that. I mean, we

1 says is available.

2 FACILITATOR LEVY: Okay. If there's no more

3 old business, does anybody have any comments on the

4 agenda? Additions? Deletions?

5 Yes.

6 BOARDMEMBER REINHARD: I'd like to propose

7 that we put the Building 637 presentation and the Main

8 Installation Committee report together, because Building

9 637 was what the Main Installation Committee took up its

10 time with. And I think Harold is going to be giving the

11 summary of that committee meeting, and it just makes a

12 little bit more sense to do that.

13 BOARDMEMBER MILLER: I'd like to have one

14 item of new business. Are you listing all the new

15 business items?

16 FACILITATOR LEVY: We really haven't gotten

17 there yet.

18 BOARDMEMBER MILLER: I just want to see if

19 there's any interest in a certain presentation.

20 FACILITATOR LEVY: Maybe we can deal with it

21 when we get to new business.

22 But does that make sense to combine these

23 two presentations?

24 BOARDMEMBER BALL: Yeah, I think that's

25 appropriate.

1 FACILITATOR LEVY: Does anybody have any
2 objection to that?
3 Okay. Then why don't -- where would you
4 propose that we do it? Do we do it at the end? Where
5 would you combine the two?
6 BOARDMEMBER REINHARD: We could have the Main
7 Installation Committee report be where Building 637 is
8 now, that's fine.
9 BOARDMEMBER WILKINS: But before or after
10 John's pitch?
11 BOARDMEMBER REINHARD: Yeah. I think Harold
12 and John should just do it together and use part of it --
13 FACILITATOR LEVY: Is that all right with
14 you?
15 BOARDMEMBER BUCK: Fine.
16 FACILITATOR LEVY: Okay. Any other changes?
17 Yeah.
18 BOARDMEMBER KERN: I attended a couple of RPM
19 meetings and have been asked to make a very brief report
20 on that, just to add my comments, and that could be 4.4,
21 perhaps, or 5.2, either of those places.
22 FACILITATOR LEVY: Right, either one. Is it
23 more consistent with a sort of a technical report or a
24 committee report?
25 BOARDMEMBER KERN: Probably committee is

13

1 with the community members to preserve and enhance both
2 the environmental aspects of the Presidio, as well as its
3 historic aspects.
4 What I'm going to do tonight is go over the
5 process that the Army went through to develop remedies for
6 the Public Health Service Hospital, and more precisely,
7 the Landfill 8 area.
8 I'm going to then go over that revised
9 proposed remedy; then in the public meeting, then we'll
10 ask for their comments to see what they have to say.
11 As most of you know, there's a pretty
12 involved process in developing a remedy. The first step
13 is enhanced preliminary assessment, go out and look at the
14 site, look through the records, aerial photographs,
15 interview former employees, find out what is out there.
16 Once you get that information, you focus in
17 on sites that perhaps would need additional investigation.
18 You see, that's the next stage, the remedial
19 investigation. Essentially, that goes out and identifies
20 what's out there and what the extent of that contaminant
21 that might be out there.
22 Once you go through that process, you then go
23 into feasibility studies. You screen sites that warrant
24 remediation; you screen then technologies that could
25 possibly clean up that area; and then go into a more

15

1 fine.
2 FACILITATOR LEVY: Okay. So why don't we put
3 it as a five point whatever, because I don't have anything
4 in there.
5 BOARDMEMBER KERN: Sure.
6 FACILITATOR LEVY: Anything else? Okay. Then
7 why don't we move on to Item 4.1, the PHS Revised Draft
8 Overview.
9 BOARDMEMBER BUCK: What I'm going to do is
10 focus in on the Public Health Service Hospital plan, more
11 precisely the revisions to it that we've made since the
12 last document. And there was basically prompted by some
13 public comment, we've changed the proposed remedy. What I
14 do have here is I have a series of slides, which actually,
15 I'll be using again at the public meeting, and I thought
16 I'd just run through them briefly with you to discuss what
17 changes we've made.
18 Is there any biologist or botanist in the
19 room? Jan, okay, what plant is that?
20 BOARDMEMBER MONAGHAN: Lasinja (phonetic).
21 BOARDMEMBER BUCK: The reason I showed that
22 is because it's an endangered plant, there is a remnant
23 community near Landfill 8, and I think what it represents
24 here is the efforts -- the partnership efforts of the
25 Army, the regulatory agencies, the Park Service, along

14

1 detailed analysis.
2 After you've completed your feasibility
3 study, you develop a remedial action plan; essentially,
4 it's just a summarization of the RI, and identifies what
5 you want to do.
6 You put that out for public comment; you get
7 comments back; you respond to the comments; and then issue
8 a record of decision.
9 Subsequent to the record decision, we hand it
10 off to the Corps of Engineers who will actually design the
11 remedy and then actually undertake the remedial action.
12 In the remedial investigation there's a
13 component called a risk assessment. Essentially, it tries
14 to quantify the risks associated with the site.
15 Basically, you first identify what chemicals are out there
16 of concern. You then determine how those chemicals could
17 potentially affect a person; are they ingesting it or
18 drinking the water? Who is going to be exposed to that?
19 Is it children on a playground? Is it a jogger running
20 through the park? Things of that nature.
21 At the same time, you're looking at the
22 literature to see how those substances could possibly
23 affect the human health, both from a carcinogenic
24 standpoint, and on other health effects; and also it's
25 ecological effects.

16

1 Finally, you pull all that together, and you
2 actually quantify the risks associated with the site.
3 Now, the state of the art science in risk assessments is
4 that there are quite a bit of uncertainties. So with
5 every step of the process, you build in conservancy. In
6 other words, you be more conservative to try to account
7 for all possible scenarios.

8 To illustrate how conservative that is,
9 you -- under a residential scenario, you estimate
10 someone's going to be living at this site for 75 years,
11 exposed to those contaminants for that length of time,
12 drinking the water. You can see there that they calculate
13 that children consume -- eat more dirt than adults,
14 basically through seven years of age.

15 For visitors, we've estimated that they would
16 actually be on-site 150 days out of the year. For a
17 resident, we give them two weeks' vacation -- that
18 you don't see 365 days a year.

19 BOARDMEMBER KERN: Are those pounds? Is that
20 like a bite or a spoonful? About how much is that?
21 Grains of dust?

22 BOARDMEMBER BUCK: Well, it's an amount --
23 per day, that's -- it's an amount that's on your hands
24 when you're eating food; you consider kids don't clean
25 their fingers and stuff like that. It's not like you have

17

1 BOARDMEMBER BUCK: I think it essentially
2 states that. Now, I know the issue with you is the point
3 of departure is one in -- if it's greater than one in a
4 million. But there is definitely an acceptable range in
5 there established in the tenth to the minus four, which
6 is one 10,000 to one in a million.

7 BOARDMEMBER REINHARD: Yeah. But one reason
8 I think that the NCP doesn't say that is that there are
9 many criteria that need to be met in terms an acceptable
10 cleanup. One of the threshold criteria, as we've said
11 before, is compliance with ARARs, which is not necessarily
12 a risk-based --

13 MR. HENDERSON: Oh, yeah. I was going to
14 get --

15 BOARDMEMBER REINHARD: -- calculation. And
16 there are many ARARs which are totally independent of the
17 risk assessment conclusion.

18 And so when you say you don't have to clean
19 up if it's --

20 BOARDMEMBER BUCK: But this is just the risk.
21 There are other ARARs which can trigger a cleanup
22 regardless of the risks.

23 BOARDMEMBER REINHARD: What I'm just saying
24 is that your statement that NCP says you don't have to
25 clean up if it's less than one in a million is not quite

19

1 a bowlful of it in the morning; but over time, it is a
2 significant amount.

3 BOARDMEMBER BALL: Less than a teaspoon.

4 BOARDMEMBER MILLER: I think it's less than a
5 gram per day, isn't it?

6 BOARDMEMBER BALL: Well, its 200 milligrams
7 for children, and 100 milligrams for adults.

8 BOARDMEMBER BUCK: Those are basically the
9 full parameters and guides --

10 BOARDMEMBER MILLER: The exposure -- the last
11 line, the 150 and the 350, are those for the entire
12 75-year duration of their life?

13 BOARDMEMBER BUCK: Yes, for the resident.
14 And yes, for the visitor, the 150 days, yes.

15 Basically, there's risks established in a
16 National Contingency Plan. If it's greater than one in
17 10,000, you definitely have to undertake a remedy. If
18 it's less than one in a million, you don't have to
19 undertake a remedy. If it's in that range between one in
20 10,000 and one in a million, and you -- there's a range
21 there where you make an evaluation of the site; you don't
22 necessarily have to undertake a remedial action.

23 Yes.

24 BOARDMEMBER REINHARD: I don't think that's
25 what the NCP says.

18

1 full enough.

2 BOARDMEMBER BUCK: From a risk standpoint,
3 I'm just focusing in on risk here.

4 FACILITATOR LEVY: I guess what you'd say is
5 that you are generalizing.

6 BOARDMEMBER BUCK: Yes.

7 FACILITATOR LEVY: For purposes of making
8 this presentation to explain where -- generally where the
9 lines of -- where one must act, where there's that middle
10 ground where you might have to act; and then there's
11 another ground, much smaller risk, smaller percentage
12 where you probably don't have to do anything. Is that
13 what you're driving at?

14 BOARDMEMBER BUCK: That's correct. You said
15 it better than I.

16 Yes, sir.

17 PUBLIC MEMBER: Are you screening for
18 diseases other than cancer?

19 BOARDMEMBER BUCK: Yes. And general health
20 effects is also considered in there.

21 PUBLIC MEMBER: Those two? I mean, what
22 about, you know, for instance, is lead poisoning a cancer?

23 BOARDMEMBER BUCK: No. But there's a hazard
24 index that is also factored in that's not the cancer
25 index, that evaluates other substances that don't cause

20

1 cancer.

2 PUBLIC MEMBER: You're saying that must be
3 later?

4 BOARDMEMBER BUCK: Well, no. Most people
5 focus in on risks -- I probably should expand. This is
6 just the general health effects, which is a hazard index.
7 Generally if it's one or greater, that's also a trigger,
8 like the cancer risk of greater than one in minus four,
9 perhaps.

10 If it's greater than one, you -- that's also
11 a trigger mechanism, and that again accounts for the
12 noncancer effects on the body: metals, pesticides,
13 whatever.

14 PUBLIC MEMBER: Is that other risk
15 assessment or that parameter quantified anywhere?

16 BOARDMEMBER BUCK: Yes, that's in our
17 remedial investigation report.

18 For the feasibility study, again, the
19 feasibility study is designed to first screen sites which
20 warrant cleanup. Then it identifies technologies that can
21 actually be effective in cleaning it up. There are some.
22 For instance, if your cleanup level is five parts per
23 million; you can only get to ten parts per million, it's
24 not really effective for that particular site.

25 Some sites you could get down to five parts

21

1 from the parking lot, looking to southeast. We put in
2 monitoring wells; we had silt borings, soil samples,
3 groundwater samples.

4 This is another view. This is actually
5 looking -- the landfill itself is beyond these trees in
6 the foreground. This is taken up above the site. The
7 lasinja is to your left here. In the foreground here is
8 some iceplant that we're going to have to prevent from
9 overtaking the native plants.

10 BOARDMEMBER MILLER: You said to the left.
11 I'm just curious to see what this looks like.

12 BOARDMEMBER BUCK: You can't actually see the
13 lasinja on this picture. It's off to the left.

14 One of the things we did during the -- going
15 through this process and in some of our responses, that we
16 looked at the risk assessment, the one that was done
17 initially, used some default parameters that had
18 subsequently changed. The California Department of Toxic
19 Substances Control provided us with new information.
20 Plugging that into the data that we actually collected at
21 the site, the risks under our residential scenario shows
22 you eight in a million excess cancer cases if exposed to
23 those materials; under the recreational scenario would be
24 five.

25 And again, this is a very conservative

23

1 per million, but you would have to build a generating
2 station because it costs too much electricity. So those
3 are the kinds of factors considered in the feasibility
4 study.

5 Once you screen a range of alternatives, then
6 you do a real detailed analysis to protect the human
7 health environment, and does it comply with those ARARs or
8 appropriate regulatory requirements that Mr. Reinhard was
9 focusing in on. But it also considers such things as
10 acceptance by the communities, State, how much does it
11 cost, things of that nature.

12 This is just an aerial photograph of the
13 Landfill 8 area. You can see to the upper right-hand
14 corner that's the area where the lasinja are. It's not
15 actually on the fill area. There's a dash line which
16 roughly shows the fill -- the boundaries of the fill
17 material. Your reference point, the hospital itself is
18 actually in the lower part of the picture, it's sort of
19 hard to see from this angle.

20 Basically, Landfill 8 is about an acre
21 and-a-half. You can see the dimensions there; it's a
22 relatively small area filled with fragments of concrete,
23 plaster, things of that nature. This is just one of the
24 wells being installed at that site, one of the upgradient
25 wells. There's another look at the site looking basically

22

1 estimate, and it's at the lower end of the risk.

2 BOARDMEMBER HORENSTEIN: What were the
3 changes they provided you with, and did that change the
4 risk level?

5 BOARDMEMBER BUCK: Yes, it did. It decreased
6 the risk level, actually. It had to do with how
7 pesticides are absorbed into the body. They've actually
8 done some specific analysis on that, and they came up with
9 new -- I think their absorption factors related to these
10 particular substances.

11 BOARDMEMBER HORENSTEIN: So what was it
12 before the old risk, do you recall?

13 BOARDMEMBER BUCK: I believe it was two times
14 tenth of a minus five for a recreational. It went down to
15 five tenth of a minus six, almost in order of magnitude.

16 BOARDMEMBER LEVINE: On the risk
17 assessment -- let me understand -- we're just basing it on
18 cancer?

19 BOARDMEMBER BUCK: No. That's the cancer
20 risk. The hazard you see here is actually less than one;
21 it's I think point two actually. So it's a very low
22 noncancer risk associated with the site.

23 BOARDMEMBER LEVINE: You mean as far as the
24 toxicity of the various other metals?

25 BOARDMEMBER BUCK: Yes. We really didn't see

24

1 much in the way of metals here.

2 PUBLIC MEMBER: What was there?

3 BOARDMEMBER BUCK: Excuse me?

4 PUBLIC MEMBER: What was there? Was it DDT?

5 BOARDMEMBER BUCK: Deeldrin (phonetic) and
6 Aldrin (phonetic), that's correct.

7 After we went through this process, the
8 major comments focused really and Landfill 8. Park
9 Service's General Management Plan indicates that this is
10 an area we're going to be using for -- to reestablish that
11 lasinja along with some other plant species; it's actually
12 a community of plant species, coastal dune communities, I
13 believe. Some of those dune plants are deeply rooted.
14 The lasinja itself is not, but the deeply rooted plants
15 would essentially affect the cap that we were proposing in
16 our original go-round.

17 We had some discussions and regulatory
18 comments from the public, and we decided long-term
19 monitoring here would be as protective, would not be as
20 disruptive as the cap. So based upon that, we
21 redesignated the long-term monitoring as our proposed
22 alternative. It's protective. It will allow the future
23 reuse as designated in the Park Service's General
24 Management Plan, really will result in minimal disturbance
25 of the area, whereas a cap would not really allow the Park

25

1 results will be sent to the regulatory agency for their
2 review. That's four times a year for the first five
3 years. Or if something suddenly shows up before that
4 time, we're not going to wait to the end of the five-year
5 review period to consider alternatives. They would be
6 done when there's a problem as indicated.

7 You're asking what is the actual trigger
8 mechanism?

9 BOARDMEMBER HORENSTEIN: Well, is there one,
10 or is it just the regulatory people review it and if a
11 flag happens to get raised, then --

12 BOARDMEMBER BUCK: Then they'll come back to
13 us. We might shorten -- one of the things you could do is
14 to shorten the period of sampling. Instead of going
15 quarterly, you could go monthly, or something like that,
16 to determine if it's a one-time factor, or is this
17 becoming a trend?

18 But if it's clearly a problem, then at that
19 point we can, you know, look into alternatives for a
20 cleanup.

21 Conversely, if it's showing, after five
22 years, nothing's coming out, we have the option, again
23 with the regulatory approval, of maybe cutting back the
24 monitoring; maybe instead of doing a full sweep, just do
25 some volatiles and metals or something like that, or

27

1 Service to implement what they wanted to do in that
2 vicinity.

3 Some of the -- the Corps of Engineers has
4 already installed an additional well at the site. They
5 are monitoring the water levels there, going to put some
6 well points in to confirm that the monitoring wells are
7 located in the correct location to collect the
8 downgradient flow; also going to be putting some well
9 points in to confirm the geologic units that that water is
10 in.

11 We're going to continue to monitor for a
12 period of years. We'll go through a five-year review.
13 Depending on the results, if the results indicate hey,
14 we're suddenly at three years, stuff is starting to pour
15 out of the landfill, we'll reevaluate the site. If the
16 area warrants a cleanup, we'll again go through this
17 process again, essentially; come up with some
18 alternatives; go out to the public for their comments, and
19 go from there.

20 BOARDMEMBER HORENSTEIN: Who evaluates the
21 results? And since the public's commenting on what's
22 there now, are standards going to be set like action
23 levels, if results come in at certain levels, then action
24 will be taken?

25 BOARDMEMBER BUCK: Well, the quarterly

26

1 decrease it from a quarterly basis to a semi-annual basis;
2 and eventually maybe consider ceasing more monitoring
3 altogether. But that's a little ways down the road.

4 BOARDMEMBER MILLER: I'm wondering if after a
5 period of years of monitoring if -- right now, with the
6 trigger mechanism to reconsider the monitoring approach,
7 is that based on ARARs and the cancer risks that we just
8 talked about?

9 BOARDMEMBER BUCK: It would be considering
10 all of the above.

11 BOARDMEMBER MILLER: And if it turns out like
12 after a period of years that because of new information
13 and new directions and regulations, that ARARs should be
14 reconsidered, is there a mechanism so that these ARARs be
15 considered during the course of the monitoring?

16 BOARDMEMBER BUCK: If knew ARARs come down
17 the pike?

18 BOARDMEMBER MILLER: No. If there's no new
19 information -- in other words, if the general technical
20 basis for ARARs changes because -- generally in the State
21 of California, or generally within E.P.A., is there a
22 mechanism for changing the ARARs at this particular
23 location?

24 BOARDMEMBER BUCK: Other changes to the
25 ARARs?

28

1 BOARDMEMBER MILLER: Exactly, to conform with
2 new information or new technology or new information
3 regarding, say, cancer risks for the constituents of
4 concern?

5 BOARDMEMBER BUCK: I don't know. Maybe you
6 have a better feel for it. I don't know if ARARs -- if
7 you can change ARARs. Is that what the purpose the
8 five-year review is?

9 MR. WORK: No. The purpose of the five-year
10 review is to see if the remedy is truly effective in
11 protecting the environment and public health.

12 The situation I think you're talking about
13 would actually require a ROD amendment. Like if it turned
14 out that this remedy had failed, and you had to select
15 another remedy to do something, I think that the next step
16 would be an amendment to the ROD; and I think the answer
17 to your question is yes, at that point you look at ARARs
18 again.

19 BOARDMEMBER MILLER: So to amend your ROD,
20 you can reconsider ARARs.

21 BOARDMEMBER REINHARD: This question is
22 either for you or Robert, I'm not sure which. But is the
23 habitat of the lasinja really restricted only to this
24 area? I mean, can it grow elsewhere, or why do they have
25 to grow -- why was that particular spot chosen; and is it

29

1 groundwater into the water on the surface?

2 BOARDMEMBER BUCK: Well, there's -- down at
3 Lobos Creek -- well, they're not using in now, but at
4 sometime in the past, they did. But there's no pumping in
5 that immediate vicinity of that --

6 BOARDMEMBER WILKINS: There's no irrigation
7 anywhere on the Presidio, and the only wells are in the
8 well field near the waterfront.

9 BOARDMEMBER HORENSTEIN: Did responses to the
10 public comments go out, or are they planned to go out?
11 How's that handled?

12 BOARDMEMBER BUCK: They're included in the
13 remedial action plan, in the back of it.

14 BOARDMEMBER WILKINS: Appendix 9 or -- yeah.
15 Something like that.

16 BOARDMEMBER REINHARD: You didn't get a copy?

17 BOARDMEMBER HORENSTEIN: No, I did, and I
18 read the whole thing except the appendices.

19 BOARDMEMBER MCKLEROV: So as part of this
20 landfill monitoring, are you monitoring Lobos Creek and
21 assuming that some of the water movement might come from
22 that? And how about Mountain Lake Park? Are you looking
23 at any open bodies of water that might be receptors --

24 BOARDMEMBER BUCK: Well, we have looked at
25 that as part of main installation and remedial

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1 endangered to the point where the habitat is really a
2 small area?

3 BOARDMEMBER BLANK: It is endangered to the
4 point where the habitat is in a little small area.

5 BOARDMEMBER REINHARD: So in other words,
6 even though I live across town, it wouldn't grow in my
7 back yard?

8 BOARDMEMBER BUCK: There are other areas on
9 the Presidio where it grows.

10 BOARDMEMBER WILKINS: So they're reacting to
11 where it is now, not to potentially where it could grow.

12 BOARDMEMBER BUCK: They want to expand.

13 BOARDMEMBER LOLL: The presentation was very
14 informative. Where did you get the statistics from?

15 BOARDMEMBER BUCK: Well, they're basically
16 derived from the remedial investigation that we conducted
17 at the site.

18 BOARDMEMBER LOLL: Were you satisfied with
19 those facts and figures they gave us?

20 BOARDMEMBER BUCK: Yes.

21 PUBLIC MEMBER: Is there irrigation in the
22 area?

23 BOARDMEMBER BUCK: Irrigation -- I don't
24 really believe in that area there is irrigation.

25 PUBLIC MEMBER: So there is no pumping of

30

1 investigation, and we're going to do some more follow-on
2 sampling in those areas. We really haven't seen anything
3 in the area of Lobos Creek.

4 Mountain Lake, there was one hint of
5 pesticide, I believe --

6 BOARDMEMBER WILKINS: So is there any
7 interaction, though, John, between Landfill 8 and Mountain
8 Lake and Lobos Creek?

9 BOARDMEMBER BUCK: I think over a period of
10 time, there would be a -- groundwater flow would be in
11 that direction.

12 BOARDMEMBER MCKLEROV: I see on the map that
13 we had earlier of Landfill 8 there, that's a rather steep
14 hill to the south side.

15 BOARDMEMBER BUCK: Yes.

16 BOARDMEMBER MCKLEROV: Where I would think
17 that the water would come out, you know, maybe through the
18 strata there. Are there monitoring wells in that
19 direction?

20 BOARDMEMBER BUCK: Yes. The monitoring wells
21 are in the downgradient direction.

22 BOARDMEMBER MCKLEROV: Maybe I can get you to
23 point these out on the map later on.

24 BOARDMEMBER BUCK: Okay. I'll tell you right
25 now, that's a monitoring well --

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1 BOARDMEMBER MCKLEROV: Yeah, I know where the
2 existing ones are.

3 BOARDMEMBER BUCK: -- this one, this one. We
4 also put another well in here. The Corps of Engineers
5 just did that in August, as a matter of fact.

6 BOARDMEMBER MCKLEROV: So you have nothing
7 further down on this gradient area here?

8 BOARDMEMBER BUCK: Well, the groundwater flow
9 is in this direction.

10 BOARDMEMBER GIRARDOT: Are you aware that the
11 City established recently a task force on lakes and ponds
12 under the City's jurisdiction? I wanted to know if
13 Mountain Lake Park was one of those, if you're aware of
14 that?

15 BOARDMEMBER BUCK: I'm not aware of it.

16 BOARDMEMBER GIRARDOT: Okay.

17 FACILITATOR LEVY: Thank you. We're
18 nearly -- we might take a break, but I mean, how do you
19 all feel? Can you go another thirty minutes without a
20 break?

21 BOARDMEMBER LOLLI: Let's go on.

22 BOARDMEMBER REINHARD: So should we do the
23 joint presentation now? Is that -- from the Installation
24 Committee?

25 BOARDMEMBER BUCK: I think maybe I was

1 impressive presentation.

2 In case you're unaware of the site, I was
3 just going to briefly go over the details about it. It's
4 called the P.O.L. site, which stands for petroleum, oils
5 and lubricants, I believe, and it's located down on Crissy
6 Field here just west of the commissary, on the far south
7 end of Crissy Field.

8 BOARDMEMBER WILKINS: John can point it out
9 on the map behind on your left.

10 BOARDMEMBER BALL: This facility was shut
11 down after the October '89 earthquake. So the -- it was a
12 gas station, essentially, and it was shut down after the
13 October '89 earthquake. They suspect the -- the majority
14 of the contamination at the site took place because of
15 movement of the ground and the fuel lines leaking.

16 There were six above-ground storage tanks;
17 three of them were 5,000-gallon diesel tanks, and there
18 were three 20,000-gallon gasoline tanks. There were five
19 pumping islands; there was an underground fuel
20 distribution system; and also a control building. All of
21 these facilities were taken out, removed in September of
22 1993.

23 From October of 1993 until May of this year,
24 there was a lot of field work done for the site
25 investigation. And as a part of that site investigation,

1 concentrating too much on what I was going to say the
2 first time, but -- at 4.2 -- Roger, are you going or is
3 that --

4 BOARDMEMBER BUCK: What's this now? The 637
5 is the report from the subcommittee to the RAB.

6 BOARDMEMBER HORENSTEIN: From the Corps of
7 Engineers to the RAB. So it's not a joint report?

8 BOARDMEMBER BUCK: Well, it was a joint
9 report from the -- you were trying to get a joint report
10 from the --

11 BOARDMEMBER REINHARD: I don't know whether
12 you were also going to be making a presentation to the --

13 BOARDMEMBER HENDERSON: No.

14 BOARDMEMBER REINHARD: All right. I was sort
15 of assuming that it was going to be a committee report.

16 BOARDMEMBER WOK: It's a single --

17 BOARDMEMBER BALL: My name's Harry Ball.
18 Last week there was a committee meeting under the joint
19 committee meeting between the Main Post Committee and the
20 U.S.D. Committee, and it was on Building or Site Number
21 637. And the Corps and consultants came in, and they gave
22 us a multi-media presentation with slides and handouts and
23 overheads and videos -- well, a video. We didn't get a
24 computer simulation, but I saw on the video some of the
25 graphics from the computer simulation, and it was quite an

1 they did 91 borings with -- consisting of 32 cone
2 penetrometers, 31 hydropunch for groundwater samplings, 14
3 hollow stem auger borings, something called direct mud
4 rotary soil borings. There was 101 percussion soil
5 borings, which were essentially from the surface and
6 didn't go very much deeper, or as deep as some of the
7 other intrusive methods that they used.

8 They installed 13 monitoring wells for
9 groundwater, eight piezometers for groundwater level, I
10 guess, measurement. I guess they can also take some
11 groundwater samples from that.

12 They did soil gas surveys of the site, and
13 essentially what's there is a combined gasoline and diesel
14 plume that extends to the northwest of the site. So it
15 doesn't go directly north to the bay; it sort of goes to
16 the northwest -- sort of towards the bridge. It's pretty
17 large, about a thousand feet in length -- 750 or a
18 thousand feet in length by about 500 feet, 700 feet wide.

19 And despite the fact they took out the
20 majority of the facilities, there is believed to be some
21 free product still there in the ground. And when you talk
22 of free product, that just means that there's still
23 gasoline or there's still diesel, that's what free product
24 means.

25 After this site investigation, it appears

1 that they largely have a handle on the contamination at
2 the site; in other words, they know pretty much what's
3 down there and where it is.

4 And I wasn't clear on this. Roger, maybe you
5 can elaborate on that, and that is, I think that there are
6 source reduction measures that are going on right now.

7 MR. HENDERSON: Right. Yes.

8 BOARDMEMBER BALL: And I think it's like
9 pump-and-treat kind of a system; that's what I read.

10 MR. HENDERSON: Yeah. Basically, what we're
11 attempting to do in this source reduction measure --
12 you'll also hear it called S.R.M., it's -- the floating
13 product that he referred to as free product is being
14 skimmed out of the well, and that is kind of between
15 Building 640 and Building 637.

16 And another action that we're going to be
17 undertaking fairly soon, we hope, is to, in that area
18 where the floating product is, we'd like to excavate out
19 about a 50 by a hundred to, say, about a four- to
20 five-foot deep hole, and we're actually going to get the
21 free product that's tied up in the soil pores. It's very
22 hard to get out just by skimming the wells, so we're going
23 to get that out.

24 BOARDMEMBER HORENSTEIN: Using what?

25 MR. HENDERSON: Excavating it. Because it

1 keep us up-to-date on it?

2 MR. HENDERSON: Absolutely.

3 BOARDMEMBER HORENSTEIN: No, it sounds very
4 interesting.

5 MR. HENDERSON: Yes, we will.

6 BOARDMEMBER MILLER: Do you have a target
7 treatment level you're going to shoot for?

8 MR. HENDERSON: As of yet for the treated
9 soils, no, because we need to see how fast and how far we
10 can get down to these levels. If the soils never get
11 treated, we can take them offsite or treat them using
12 other methods.

13 BOARDMEMBER CHAN: Is there an estimate --
14 well, first of all, have the underground structures been
15 removed?

16 MR. HENDERSON: Yes. All the piping was
17 taken out at the same time.

18 BOARDMEMBER CHAN: Is that where the free
19 product came from?

20 MR. HENDERSON: It was predominantly from the
21 piping. There was no evidence of the tanks themselves
22 having leaks, but the piping looked like it had been
23 messed with. The product was from that.

24 BOARDMEMBER CHAN: Is there an estimate of
25 much how much free product is left?

1 gets tied up in the inner spaces between the soil
2 particles, and you could pump forever; you'd just never
3 get that out.

4 BOARDMEMBER HORENSTEIN: So you're going to
5 haul it away?

6 MR. HENDERSON: We're actually going to take
7 that out and treat it on-site.

8 PUBLIC MEMBER: You say you're going to treat
9 it on-site?

10 MR. HENDERSON: Right. We're probably going
11 to be up near the Nike missile area. We've coordinated
12 this with the Park Services. I think it's about -- we're
13 looking at about -- I think we're in the neighborhood of
14 500 to a thousand cubic yards. You could figure it out,
15 50 by 100 by 5 feet deep, approximately.

16 BOARDMEMBER HORENSTEIN: So by the compost
17 sites there, are you going to aerate there?

18 MR. HENDERSON: No, we're not going to aerate
19 it. We're probably going to use some of their vendors
20 that we can look at. We're in the process of assessing
21 what might be the best and the fastest right now. We
22 actually might even try three different vendors, split the
23 pie in three different pieces, and then assess who can get
24 it done the quickest.

25 BOARDMEMBER HORENSTEIN: Are you going to

1 MR. HENDERSON: Have we got -- well, it's a
2 strange thing; it's in that first few inches of the
3 water-soil interface. And so what happens occasionally --
4 we've been monitoring it, and sometimes you get a sheen,
5 nothing more than a sheen; and then sometimes it seems to
6 come back, and it will be a couple of inches. So it's
7 very hard to get an estimate of gallons of the stuff
8 because it's tied up -- when it rains the water level will
9 raise a little bit in that zone; that sneaks it all in the
10 soil. And then when it stops raining, the water level
11 drops back down, it's held up in the soil, and it kind of
12 oozes out over time.

13 So that's why we're going to go back and
14 excavate it out; we think it will be the quickest, and
15 that'll get that source out of there.

16 BOARDMEMBER CHAN: You don't anticipate a
17 large pocket of that, it's all in the interstitial area?

18 MR. HENDERSON: Well, we've had a couple
19 inches of it, depending on weather, and we've had it from
20 basically zero to I think the maximum was about four
21 inches. But it just comes and goes.

22 BOARDMEMBER CHAN: Does the saltwater
23 intrusion come up that far?

24 MR. HENDERSON: Not in that zone, no. We
25 have some saltwater intrusion, but it's in a very deep

1 zone.

2 BOARDMEMBER BUCK: Do you have tidal
3 fluctuation there, though?

4 MR. HENDERSON: There's a very minor tidal
5 influence. In some of the lower water-bearing zones,
6 there's a tidal influence. They're all actually a little
7 bit different. We're going to be --

8 BOARDMEMBER CHAN: So you actually do have a
9 freshwater lens?

10 MR. HENDERSON: Oh, we have freshwater for
11 sure.

12 BOARDMEMBER CHAN: But it's actually got a
13 pressure head?

14 MR. HENDERSON: Oh, yes. Yes, indeed.
15 That's in our B zone, we call it.

16 BOARDMEMBER BUCK: That's considerably
17 deeper.

18 MR. HENDERSON: Yeah. That starts at
19 about -- about 50 feet is where that zone starts, and that
20 is under some pressure, but not enough to make water flow
21 up to the surface, but it comes very close.

22 PUBLIC MEMBER: Isn't that the area where
23 there was a lot of stripping of paint and maintenance,
24 that sort of thing?

25 BOARDMEMBER BUCK: Not really. That was

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1 the northwest.

2 BOARDMEMBER BUCK: Mike, give them the area
3 of extent. We're not talking about a huge area here.

4 MR. HENDERSON: Well, as Harold said, it's
5 about a thousand by 500 feet.

6 BOARDMEMBER WILKINS: Is your source
7 reduction measure helping to control the migration of this
8 plume even though it's not moving very quickly?

9 MR. HENDERSON: Well, it does in the fact
10 that you're taking the source away. If the source is
11 gone, then it doesn't want to spread out. It's like
12 dropping oil on water. If you keep dropping, then it's
13 going to kind of push it out. So if you take the source
14 away, what's left is probably going to move somewhat more.
15 It also breaks down over time. But what we have been
16 noticing is that some of the levels have been just
17 dropping by themselves.

18 BOARDMEMBER HORENSTEIN: Not -- well, by
19 pumping, too, you're changing the hydraulic --

20 MR. HENDERSON: Well, this is actually -- I
21 don't want to call it pumping. It's more like slurping.
22 We're not trying to draw the whole large water area down.
23 We're basically looking -- there's three little water --
24 well, it's not little.

25 There's a very thin water-bearing zone on the

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1 further west, actually.

2 MR. HENDERSON: West, in the 900 area.

3 BOARDMEMBER HORENSTEIN: Is the plume
4 changing? Is the area of contamination spreading or
5 changing, or do you ever -- would you call it contained or
6 partially contained?

7 MR. HENDERSON: Based on the -- we've got a
8 couple quarters of water quality monitoring from all the
9 wells in that zone. What we're finding is the plume is --
10 it's not like a plume; it's just moving out real straight
11 like that. We can all say, "Boy, it's getting bigger and
12 bigger." And it's sort of kind of moving like this. And
13 it's moving a little bit towards the northwest -- towards
14 the bay. It hasn't reached the bay, we basically know
15 that. But other things happen where parts of the plume
16 look like they'll move in again. And it's based on water
17 quality sampling.

18 Sometimes we'll get areas that were very hot
19 one quarter, and next quarter it's down to zero again, or
20 vice-versa; we have a quarter where we have nothing
21 showing up, and then the next quarter we get a couple
22 hundred parts per billion of say diesel or something.

23 So it seems to fluctuate a little bit. There
24 is some slosh back and forth, but it's not moving very
25 quickly, and if it's moving at all, it's moving towards

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1 top, which is about four to five feet below grade. That's
2 where most of the -- that's where the floating product is.
3 That's where most of everything else is. There's an
4 aquitar, or a very small confining layer below that which
5 is very thin. We could say it's got holes in it.

6 And below that there's another water-bearing
7 zone which we call the A-2 zone, which is about 10 to 15
8 feet thick. There is a lot less in that zone than there
9 is in this upper one.

10 Then below that there's a five- to seven-foot
11 very competent confining layer of clays and whatnot; and
12 then below that there's a much larger water-bearing zone
13 about 40 feet thick.

14 That B zone has very little, if anything, in
15 it. The A-2 above that has some in it, but that's the one
16 that's -- you see a lot of things varying in that, and
17 sometimes you get wells with nothing and the next time
18 it's something.

19 It's that one at the very top that's probably
20 the worst of all, but since those are hooked to each
21 other, we have to treat the thin one and the second one
22 below it as the unit.

23 FACILITATOR LEVY: I have a question. In any
24 of these presentations that you or anyone else has made,
25 has anybody ever explained sort of the subsurface, you

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1 know, generally speaking what aquifers are and what the
2 different layers of soil is?

3 MR. HENDERSON: Right. Now, on this Site
4 637, we haven't had a formal presentation, that I'm aware
5 of, that went through all that.

6 FACILITATOR LEVY: I'm just wondering for
7 those who are non-technical members of the group, whether
8 they have a sense, when he's talking about going down to
9 different layers --

10 BOARDMEMBER WILKINS: You passed out the fact
11 sheet on it, though.

12 MR. HENDERSON: Yes.

13 FACILITATOR LEVY: I have one other question
14 of you. How long is it going to take? Do you have an
15 estimate about how long it's going to take to remediate?
16 Do you have an estimate?

17 MR. HENDERSON: I wouldn't hazard to guess
18 that, let me tell you. There's several reasons. Cleaning
19 up soil, you can estimate fairly well; you either excavate
20 it out, or use some insitu or in-place treatment
21 methods. Cleaning up groundwater is exceedingly
22 difficult. You can get estimates of five years, you can
23 get estimates of 500 years, depending on how you do it.

24 Our approach to this site is, we think it's
25 going to result hopefully in a very rapid cleanup. But we

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1 to, yes.

2 BOARDMEMBER REINHARD: I think there's a
3 regulatory issue about the S.R.M. for various petroleum
4 issues around the base. We've talked about whether the
5 hazardous waste regulations apply. And for the free
6 product since it's from an above ground tank system, the
7 RCRA exclusions don't apply; in other words, RCRA would
8 apply for gasoline if it met the RCRA requirement, which
9 it probably doesn't. So even though it's being sent to a
10 recycler, storage and transportation prior to recycling --
11 how are you complying with those requirements?

12 MR. HENDERSON: Well, first of all, the
13 container that the stuff is being slurped into is
14 double-walled, so that complies with RCRA; and it's
15 contained. We'll have to make sure we don't keep it for
16 longer than 90 days on the site. And we'll have to take
17 it to a permitted recycler, which would be like Gibson Oil
18 will take RCRA-type gasoline fluids, things like that.

19 BOARDMEMBER REINHARD: And it's transported
20 with hazardous waste manifest?

21 MR. HENDERSON: Yeah, we will have to manifest
22 that that for sure.

23 BOARDMEMBER REINHARD: So when did you start
24 storage?

25 MR. HENDERSON: I don't know. Probably

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1 can't promise anything.

2 BOARDMEMBER HORENSTEIN: Any idea how long --

3 MR. HENDERSON: Hopefully less than thirty
4 years. But we can't make any guarantees. But TPH plumes
5 are exceedingly hard to clean up. Because most of the
6 historical ways of cleaning it up has just been pumping
7 water, and you pump a tremendous amount of clean water, a
8 very small, small bit of gasoline, say, or diesel out of
9 there; and we're going to attempt to try something
10 different and hit it quite hard.

11 BOARDMEMBER HORENSTEIN: Bioremediation-type
12 stuff?

13 MR. HENDERSON: Partially, yes. We're going
14 to be using a whole number of things.

15 In about two weeks we're going to be coming
16 out with a report which is going to be basically our
17 corrective action plan for the 637 site.

18 BOARDMEMBER MILLER: Did you say there were
19 cleanup standards for groundwater at this point?

20 MR. HENDERSON: We're going to
21 propose standards for groundwater at this site, as well as
22 soil.

23 BOARDMEMBER MILLER: Is that going to take
24 into consideration the Regional Board's new approach --

25 MR. HENDERSON: We'll do our very, very best

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1 about -- actually, I'd say about a month-and-a-half ago.
2 So we're about half way through our storage, our 90-day
3 window there.

4 BOARDMEMBER REINHARD: Okay.

5 MR. HENDERSON: And then one of the problems
6 is it's not like it all got dumped in there at once. It's
7 kind of dribbling in. Every once in awhile we go out and
8 turn the pump on -- I understand the clock starts ticking.

9 BOARDMEMBER REINHARD: The first time.

10 MR. HENDERSON: It seems senseless, however,
11 from a practical point of view, to take away a couple --
12 because we aren't filling this thing up very quickly.
13 We're not getting a lot out. As a matter of fact, I think
14 we've got about -- I think it's about a 300-gallon
15 container, and I don't think we've even filled up more
16 than five or ten gallons of it.

17 BOARDMEMBER REINHARD: And around the tank --
18 I forget what the requirements are around the tank are
19 supposed to be, but there's like a berm or --

20 MR. HENDERSON: It's a double-walled tank.

21 FACILITATOR LEVY: Any other questions?

22 PUBLIC MEMBER: Were you done, Harold? I'm
23 sorry.

24 BOARDMEMBER BALL: We're sort of in the
25 middle -- no, towards the end. I mean, I'd like to

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1 summarize.

2 FACILITATOR LEVY: Maybe we can just try to
3 finish and take questions afterwards.

4 BOARDMEMBER BALL: No, actually, I think that
5 this is a good discussion of what's going on.

6 FACILITATOR LEVY: All right.

7 BOARDMEMBER MCKLEROV: Sort of
8 nontechnically -- I think oil floats. So does the
9 pressure for this stuff sort of stay towards the surface
10 or this plume? I don't have an idea of the shape of this
11 plume. Is this like a pancake, or is it like a football?

12 MR. HENDERSON: No, it's more like a --

13 BOARDMEMBER MCKLEROV: And will it migrate
14 up? I mean, if you try to catch it, you know, will the
15 stuff float on the water product? Or will it get stuck
16 and only go down because of gravity?

17 MR. HENDERSON: No. You have the map, don't
18 you? This is the map I asked everybody to bring to all
19 the meetings. It has a fairly good picture of the plume
20 at the time of this map, and as you can see, it looks kind
21 of like a pear -- avocado-shaped pear. You basically want
22 to know what the shape of the plume looks like on a flat
23 plane, and then also by depth?

24 BOARDMEMBER MCKLEROV: Yeah, mainly by depth.
25

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1 groundwater. Some of the lower levels, I think nothing
2 greater than what? 20 feet or something like that. I
3 don't think they had any significant detections below 20
4 feet.

5 BOARDMEMBER HORENSTEIN: You know what I'm
6 surprised on is, normally that I've seen -- probably not a
7 whole lot -- but when you have a plume like this you don't
8 want to move somewhere, you do rather aggressive pumping
9 to change your hydraulic gradient. And in this case,
10 they've pumped five to ten gallons out -- and I think
11 basically not pumping, just slurping.

12 MR. HENDERSON: Right.

13 MR. HORENSTEIN: I'm just kind of surprised
14 that you wouldn't want to at least contain --

15 MR. HENDERSON: Yeah, that's that's in our
16 corrective action plan.

17 MR. HORENSTEIN: Oh, so you will be doing
18 that?

19 MR. HENDERSON: Oh, yeah. That's what I
20 said; in a couple of weeks we're going to come out with a
21 corrective action plan which follows the California Code
22 of Regulations, Title 23, Chapter 16, which would be the
23 underground storage tank regulations, and that will
24 indicate exactly what we propose to do with the site and
25 how we plan to clean it up, and what our action levels

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1 I guess. And whether this is going to get into drinking
2 water --

3 BOARDMEMBER HORENSTEIN: If you could show
4 the aquifers and --

5 BOARDMEMBER MILLER: One thing that -- if you
6 show the distance from the bay -- the bay's over here in
7 powder blue, and this darker blue is the estimated shape
8 of the plume laterally as it existed in September this
9 year, last month. And the scale of this map is 450 to the
10 inch. So it's a little less than about an inch from the
11 shore, so it's about 450, 500 feet from the bay. And so
12 there's not a whole lot of area laterally for drinking
13 water purposes.

14 BOARDMEMBER MCKLEROV: So
15 that's the margin of the plume at all levels; is that
16 right?

17 BOARDMEMBER MILLER: Mainly the surface of
18 the upper layer of the aquifer about five feet below the
19 surface --

20 BOARDMEMBER HORENSTEIN: It does have a
21 natural tendency, because of the hydraulic gradient, to go
22 towards the bay.

23 BOARDMEMBER MILLER: Right. And it's a very
24 thin layer, just a couple -- it's just a few feet thick,
25 as far as I understand, at the uppermost aquifer of this
locale. There are some minor amounts of impact from

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1 are; and all the things that we looked at, how we could
2 clean up the site and what we threw out and what we're
3 keeping.

4 BOARDMEMBER HORENSTEIN: So that will include
5 pumping as well as slurping?

6 MR. HENDERSON: Yes. There will be some
7 pumping in that, slurping and digging and pumping.

8 Okay. This is a sort a -- this is the ground
9 level at Crissy Field; you've got your buildings and
10 everything out there. About five feet down is the first
11 encounter of water. This is what we call the A-1 zone,
12 water zone. This is just kind of along there. It can
13 fluctuate, too, according to gradient because most of this
14 is asphalt, but this does get some recharge from the hill.
15

16 And basically, as far as what's on that, this
17 is the zone that has what's called the floating product on
18 it, okay. You probably can't see that very well, but
19 that's the gasoline diesel mixture that was from the
20 broken lines in that area, and it's actually physically
21 floating on the surface. And what I said was when it
22 rains, this water level goes up and down. As the water
23 level goes up and down, this stuff gets carried up, gets
24 smeared in that soil. When the water level goes back
25 down, that gets hung up in the soil, that actually gets

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1 caught in the soil. Over a long period of time, that will
2 kind of ooze back out down here. So it's sort of a static
3 system, up and down, up and down.

4 There is some -- I guess we could say that
5 this water wants to flow. But when I'm talking flows in
6 groundwater, don't think of it like a stream that you can
7 watch it roaring by; we're talking like inches per month.
8 It's very, very slow. So this goes this way; this stuff
9 gets sort of dragged along. There's also a certain
10 component of this that actually gets dissolved into the
11 water. Not very much, but plenty of it.

12 So along with this floating product, which is
13 in a very small area, it's about 50 by a hundred, even
14 less than that, there's a certain component which is
15 dissolved, okay. And that's usually like denzine and
16 toluene, ethyl benzine and zylene.

17 Motor oil -- you probably won't see motor
18 oil in groundwater dissolved, it's very hard. Oil and
19 water don't mix. Gasoline dissolves somewhat more in
20 groundwater than, say, motor oil. So this portion up here
21 probably has the worst amount of stuff. That's basically
22 what's shown on this map right here. So it's a very thin,
23 thin zone.

24 Below this, then, there's this sort of --
25 what we call an aquitard. It's just a fancy term for a

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1 very thick --

2 BOARDMEMBER MILLER: You should mention the
3 depth.

4 MR. HENDERSON: Oh, I'm sorry. Thank you.
5 Let's see, this is about -- gosh, I'm doing all this by
6 memory now --

7 BOARDMEMBER BALL: They say four-and-a-half
8 feet to groundwater level.

9 MR. HENDERSON: Okay, so from here to about
10 here is roughly four-and-a-half feet, okay.

11 PUBLIC MEMBER: Is that the excavated treated
12 stuff?

13 MR. HENDERSON: Yes. This is what we're
14 going to attempt to do in our S.R.M., the Source Reduction
15 Measure. The first thing we did was we put a little well
16 in here -- I want to do this right in here -- we put a
17 little well just like this, okay, right in there. It
18 didn't go into this zone down here, it's actually bedded
19 in this little clay layer here. We're pulling just enough
20 water, just enough so that I can depress that water level
21 here, this gasoline diesel mix right here flows into this
22 well.

23 So we don't want to suck out a lot of water,
24 because if I do that, then all I do is I take away the
25 water here, this gets smeared down there, and I can't get

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1 layer of sort of like silts and clays; water doesn't flow
2 through it very well. But as I've drawn it, you can see
3 it's not really what they call watertight. So there is
4 water that goes down and up and everything like that.
5 Sometimes this isn't in the area. We'll actually do a
6 boring and this is gone. And sometimes it's maybe a
7 couple of feet thick, so its kind of like is a Swiss
8 cheese, you could think of it. Like a layer of Swiss
9 cheese laid on the top.

10 Since most of this stuff floats, it's what we
11 call a floating product. There's not a great deal of this
12 down here. There's no floating product in this zone right
13 here. There is, though, indeed, some dissolved product --
14 we think we found some diesel and some gasoline down there
15 and some denzine down there, and that's the dissolved
16 portion of it.

17 This zone, though, the A-2 just seems to have
18 certain areas; it's not a huge plume. This plume here is
19 the absolute worst. We have -- you'll see in the report
20 that comes out that there's little hot spots of this
21 stuff. One of the hot spots is right over this floating
22 product. But it doesn't stretch out into the bay.
23 There's no -- there's not what you'd think of as a huge
24 plume. So this huge plume that we're seeing here is just
25 this little skinny zone up here. Below this one here is a

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1 anything out. It's like trying to get oil from a sponge;
2 you can pull all day and you aren't going to get very
3 much. So I need some water so this stuff can flow in
4 there. That's the first stage of this S.R.M. that we've
5 done.

6 Since this is all smeared here like this just
7 from nature, you know, it rains, it goes up and down, I
8 can't do a lot with this. This is just sort of a first
9 response slope at first.

10 So what we wanted to do, and what we are
11 going to do is we're going to excavate probably down to
12 something like this. We're going to excavate this area
13 out, okay. So now I've gotten the source in here; I've
14 gotten the source that's tied up in the sands and the
15 clays and everything else. I can take that out, I can
16 treat it, and we can -- we'll probably backfill this with
17 soil or sand or something brought in.

18 BOARDMEMBER CHAN: While that pit's open, are
19 you going to continue to skimming?

20 MR. HENDERSON: Once this pit's open, you
21 aren't going to see this anymore.

22 BOARDMEMBER CHAN: That bad water level's not
23 going to come back up?

24 MR. HENDERSON: It will end up coming back
25 out.

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1 BOARDMEMBER CHAN: Will it bring the oil back
2 up with it?

3 MR. HENDERSON: No, because most of that
4 oil's right in here, so we're going to excavate that out.
5 What's left in here is just dissolved and you can't skim
6 that out.

7 BOARDMEMBER HORENSTEIN: You don't have
8 contaminants in the aquitard?

9 MR. HENDERSON: Probably have some in there.
10 But again, you know, this hasn't drawn way down there and
11 come back up. It's been staying within this zone right
12 here. We have samples from here that indicate this isn't
13 very hot. If this thing went way down and way up, yeah,
14 then this would be an area to actually take out. But I
15 think we're going to confine it to this zone right now.

16 Depending on what we find, we also may go
17 down deeper and try to take down some of this if it looks
18 like it's really bad.

19 BOARDMEMBER CHAN: So by doing that pit, you
20 feel that you're going to take out most of the free
21 product?

22 MR. HENDERSON: Yes. That's the whole
23 intent. We can take this soil out; we can treat it
24 on-site using some bio methods, and see what we can do
25 with that soil later on.

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1 That's about all that we can look for. We're
2 looking for volatile organic carbons so that we find the
3 solvents and whatnot. And basically, what we're finding
4 is gasoline, diesel, some heavy and aged diesel products.

5 What happens, just real quick -- I could talk
6 for days on this, but I know we're running out of time --
7 this stuff, when it's in the ground, there's oxygen down
8 there, there is water, there is bugs, and they start
9 eating, and it naturally starts to break down. These
10 products are called aged products. They don't look like
11 fresh gasoline. I can't pump this stuff into my car. It's
12 brown, it's dirty and it's ugly.

13 When you run these things -- when you take a
14 sample and you run it, sometimes they don't look like
15 gasoline anymore; they'll look like something else.
16 But it's still hydrocarbon. They're called aged
17 hydrocarbons, or heavy-end things. Some of these things
18 just get yukky after a while.

19 BOARDMEMBER CHAN: Weathered.

20 MR. HENDERSON: Weathered product, that's
21 exactly it.

22 BOARDMEMBER CHAN: That facility, does it
23 handle waste oil, too?

24 MR. HENDERSON: No, that facility didn't.
25 They had the diesel tanks; they had a gasoline tanks;

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1 BOARDMEMBER REINHARD: And when you sampled
2 in each of the areas --

3 MR. HENDERSON: Which areas? The aquifers?

4 BOARDMEMBER REINHARD: Yes.

5 MR. HENDERSON: A-1 and A-2 and B.

6 BOARDMEMBER REINHARD: Yeah. Did you sample
7 for constituents other than petroleum; and did you find,
8 if you did that, that the petroleum plume is distinct, and
9 there has not been any mixing of the petroleum with other
10 chemicals?

11 MR. HENDERSON: Right. When we've been doing
12 our water sampling in this area -- we've got two full
13 quarters of water sampling -- we have been looking for
14 everything under the sun. We looked for TPH, the
15 gasoline; we've been looking for diesel; we've been
16 looking for the components of it, which are a defect
17 components; we've been looking for pesticides; we've been
18 looking for --

19 BOARDMEMBER HORENSTEIN: PCBs?

20 MR. HENDERSON: No -- yeah, actually, if
21 we're running (inaudible), we're looking for that too.
22 See, that would show up. We're not specifically looking
23 for it, but it would show up on some of our scans.

24 We've been doing metals; we've been doing
25 semi-volatile organic compounds, SVOC's.

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1 they had a vapor recovery tank, which is for vapors from
2 gasoline vapors.

3 BOARDMEMBER CHAN: So you wouldn't anticipate
4 an aged oil later that sank to the bottom, mixed with --

5 MR. HENDERSON: No. Oil's not going to
6 sink to the bottom. It doesn't matter what you mix it
7 with, it's going to float. Anything that's in that's
8 heavier is going sink to the bottom.

9 So anyway, this is what we're doing, the SRM.
10 We're going to get that taken out. Our -- I don't want to
11 go in too much -- it's probably not appropriate right now
12 until the report comes out, but how we plan to treat this
13 zone right here and this zone kind of as a separate unit.
14 This is a big fat clay layer in here is excellent; we can
15 contain theses plumes. This is the groundwater area that
16 was under somewhat pressure; so if you put a well in here
17 down here, this water level in here -- since it's under
18 pressure -- comes all the way up above this water level
19 right here. And right kind of near our site, we actually
20 have a saltwater intrusion like that of somewhat of a
21 wedge of saltwater coming in.

22 BOARDMEMBER MILLER: Can you show the depths
23 to the bottom of A-2?

24 MR. HENDERSON: I'll be happy to.

25 Let's see, this was about -- I don't want

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1 anybody to quote me on these -- this is about two feet
2 deep, and this thing here is about a foot to zero to two
3 feet. It kind of undulates like that.

4 This zone right here, the A-2, is about 10 to
5 15 feet. This aquitard here is about roughly five to
6 seven feet thick. And this guy here is approximately 40
7 feet deep -- 40 feet thick.

8 Below this, we don't have a great deal of
9 data -- actually, we have more data now than we ever had
10 before. There may be some clays down here; there may also
11 be the clay that goes into the bedrock. But that's all
12 going to be in the report.

13 BOARDMEMBER MILLER: My understanding from
14 the meeting was that there's nothing of significance in --
15 detected in B or anything --

16 MR. HENDERSON: That's right. We have found
17 some very sporadic -- and I'm talking very sporadic hits
18 of hydrocarbons. And the problem is when you run these
19 methods, they don't tell you exactly what it is. So I can
20 get naturally occurring organic compounds just from
21 nature, from these big fat muds that are down here or up
22 here, and they'll come out on some of these things as
23 saying "you have a hydrocarbon."

24 What we're going to do actually quite soon is
25 we're going to perform what's called a fingerprinting of

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1 BOARDMEMBER REINHARD: But you were using as
2 you're jumping-off point underground tank requirements.
3 I'm just saying because it's not an underground tank --

4 BOARDMEMBER WILKINS: There were underground
5 tanks at that site, and if you look at the percentage too
6 of the amount of piping that was underground, that it
7 would qualify this site as a U.S.T. site.

8 BOARDMEMBER REINHARD: The piping is only if
9 the piping is associated with a tank that's underground.

10 BOARDMEMBER MILLER: That's not true.

11 BOARDMEMBER WILKINS: Even if the tank's
12 above ground --

13 MR. HENDERSON: That's right. If any greater
14 than 10 percent of the total product of the tank is
15 located underground in piping, it falls under the
16 Underground Storage Tank Program.

17 BOARDMEMBER REINHARD: So these are
18 above-ground tanks, or underground tanks?

19 MR. HENDERSON: What we took out were
20 above-ground, but the piping that served them -- I know
21 there was there a substantial amount of piping that was
22 there.

23 BOARDMEMBER REINHARD: Well, you just said
24 the rule: If the tank has associated piping that's more
25 than 10 percent or whatever.

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1 this stuff down here to find out, gosh, is it crude oil?
2 Is it a diesel? Is it something up here that's weathered?

3 It's hard for us to believe that anything
4 from up here would get down here, especially if this is
5 some head -- under pressure. You just don't get floating
6 things going down through this zone here, through a clay
7 layer, through another water-bearing zone, through seven
8 feet of clay and then into the zone that's pressurized.

9 We're not sure whether -- it's very low
10 levels. It's like less than -- like around 700 parts per
11 billion. So it's very low, and it's also -- it comes and
12 goes. So we're going to check into that.

13 FACILITATOR LEVY: Let me interrupt one
14 second.

15 (Discussion held off the record.)

16 BOARDMEMBER REINHARD: Whatever else may
17 apply to the writing of your report, the underground tank
18 corrective action requirements don't, because these were
19 from above ground tanks, and so -- although that provides
20 a good model of responding to petroleum levels, obviously.

21 But I think the considerations of (inaudible)
22 and whatever else applies are more prominent.

23 MR. HENDERSON: Right. But those are always
24 assessed anyway, whether it's under a corrective action
25 plan, or a full CERCLA site, or a RCRA site.

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1 MR. HENDERSON: Right.

2 BOARDMEMBER REINHARD: So, was it more than
3 10 percent or not?

4 MR. HENDERSON: I think it was, because the
5 whole thing fell under the Water Board at the time, and it
6 was always assumed that.

7 BOARDMEMBER REINHARD: So it is an
8 underground tank?

9 BOARDMEMBER WILKINS: When you look at the
10 system, it is, yes. Not the individual tank or the
11 individual pipe; but when you look at the system, yes.

12 BOARDMEMBER HORENSTEIN: I just have a
13 two-second note on something you said. I just took a
14 little exception when you said it may not be appropriate
15 to talk about things that aren't in the final report that
16 hasn't come out.

17 I think we are an advisory board and we can
18 hear things that aren't in final reports in the future.
19 We probably don't have time to get into it, but you know,
20 we shouldn't be excluded --

21 MR. HENDERSON: And I'm not ready to talk
22 about that anyway, because we have to sit down and
23 finalize that report, because there's some things that
24 we're still working on essentially. So when it comes out,
25 we'll be more than happy to give you guys a full

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1 presentation of what we're thinking of doing and cleanup
2 levels, and we'll have a grand time.

3 PUBLIC MEMBER: You're comfortable there's no
4 ecological risk to the bay?

5 MR. HENDERSON: From our groundwater
6 monitoring, we know that that has not reached the bay, and
7 since we're going to clean the site up, there is no risk,
8 no.

9 FACILITATOR LEVY: Why don't we try to close
10 it and take a break.

11 BOARDMEMBER BALL: Okay, I just wanted to say
12 a couple more things. One was that -- just in terms of
13 time frame, what I understand -- well, what's happened so
14 far is that right now we have a draft -- a site
15 investigation report that's in draft. That came out in
16 May of '94, and presumably that's going to go final soon.

17 MR. HENDERSON: Yes. We're actually waiting
18 for some seismic data to get finalized, seismic reflection
19 data that we did.

20 BOARDMEMBER BALL: So that report is -- well,
21 a copy of it is my possession, but I guess it's in the
22 repository as well.

23 Also, in terms of deliverables, I understand
24 that there is an engineering evaluation and cost analysis
25 for interim remedial measures that's coming out, but is

1 to mention that.

2 FACILITATOR LEVY: Thank you. Why don't we take
3 ten minutes.

4 (Recess)

5 BOARDMEMBER BUCK: I'm going to pass out a
6 handout. Assisting me in this discussion, which is going
7 to talk about the follow-on sampling program that we have
8 going on at the Presidio, is Julianne Turko. She's
9 working for Walkins-Johnson Environmental. That's the
10 consultant who's actually undertaking this work.

11 So basically what we're going to do is the
12 follow-on sampling. After we completed our second phase
13 of remedial investigation, we submitted a remedial
14 investigation report which had the results in it basically
15 for sites throughout the Presidio. Up in the front, to
16 the right there, we have a map. It's sort tough to see
17 back here. I suggest you go back there after I'm done
18 tonight. There's color codes there for the sites that
19 basically we're looking on during this follow-on
20 investigation. I also have a overhead later on in this
21 presentation.

22 So based upon the results of that remedial
23 investigation and regulatory comments and input from the
24 Park Service, we agreed to go out and do some more
25 sampling at a variety of sites.

1 that your corrective action plan?

2 MR. HENDERSON: Okay, yeah, we're not going
3 to call it an interim remedial measure; it's going to be a
4 corrective action plan. We changed that, so -- and that
5 was after you heard that.

6 BOARDMEMBER BALL: Okay. So that's going to
7 be coming out soon, and so we can look for that.

8 In the committee meeting, we never really got
9 to discuss any of the proposed measures that were
10 discussed tonight, so that's nice that we kind of got to
11 that in this meeting here, so you all got to hear it for
12 the first time it was really presented to us.

13 Again, at the meeting, we never talked about
14 target treatment levels for the site, and here tonight, I
15 guess that's what you heard, is that that's still an
16 unknown.

17 And then finally, I just wanted to point out
18 that there was very little attendance at the meeting last
19 time. There was just Jan Baxter, Scott Miller, Andrew and
20 Robert Reinhard and myself, and we were outnumbered by
21 three representatives from the Corps and four consultants,
22 including John and his cohorts; so we got all our
23 questions answered. And that's why we were there until
24 around 11:00 o'clock that night, and we still didn't get
25 to the proposed remedial measures. Anyway, I just wanted

1 This sort of goes over what we're going to
2 focus in on tonight. I'm not necessarily going to follow
3 that exact order. I think I'm going to do the areas with
4 follow-on sampling, the detailed sampling analysis toward
5 the end. The preliminary stuff, I'll go over some of the
6 criteria we're going to use in our follow-on sampling,
7 some of the techniques we're going to be using, and so
8 forth.

9 We designed this program to be very
10 fast-paced. We're using -- we're going to go out and
11 evaluate sites; we're going to have quick turnaround time;
12 and we're going to base our sampling decisions for further
13 sampling -- we're going around to known areas where we had
14 a hot spot, and we're going to go out from that in various
15 directions to really narrow down the area where
16 contamination exists. We're going to use a variety of
17 measures to do that.

18 You had a question?

19 BOARDMEMBER HORENSTEIN: Well, the purpose
20 says, "To address concerns expressed by regulators and the
21 National Park Service." We can assume that these are
22 their concerns?

23 BOARDMEMBER BUCK: No. Based upon the
24 results of the sampling program, they said that "There are
25 some areas that we think we need some more samples."

1 We took that into consideration, the sites that they
 2 expressed concerns about.
 3 Now, what this thing here is, this slide here
 4 is going to show the criteria we're going to use during
 5 our follow-on sampling to determine how far out we're
 6 going to have to go. We're going to use things like --
 7 well, "Maximum Contaminant Levels," that's what MCL stands
 8 for; human and ecological risk assessment numbers. We're
 9 going to use something that's called a PRG. The E.P.A.
 10 has come out with a table of numbers. PRG stands for
 11 Preliminary Remediation Goals -- Preliminary Risk Goals,
 12 sorry -- no, I think it's Remediation Goals, I think is
 13 what it is actually; background levels; and additional
 14 site information that might be out there.
 15 So we're going to use all these factors when
 16 we go out -- go to a site and take a ring of samples.
 17 We'll review that data; come back and say, "Are we
 18 exceeding these levels?" If we are, then we'll go out
 19 another ring. If we're not, we will discontinue the
 20 sampling in that particular area.
 21 So we're using that as our criteria for
 22 expanding our ring, so to speak, and we'll show you some
 23 of these in more detail later on.
 24 And to accomplish that in a timely fashion,
 25 we'll show you some of the approaches that we're going to

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1 techniques, but we'll have a backup of those methods.
 2 Two of the screening techniques we'll be
 3 using is called XRF. It's basically for metals. X-rays
 4 Fluorescent, that's what XRF stands for.
 5 You heard TPH mentioned before by Roger.
 6 There's a screening technique for TPH called Amino Assay.
 7 Really, we'll be using the screening techniques for
 8 pesticides, chlorinated solvents, or the ones we show
 9 below.
 10 And also, why you see TPH also on the
 11 close-in lab, since we're going to be using laboratory
 12 analysis to verify the amino assay, because that's more
 13 like we're saying before, a screening technique to use the
 14 close-in lab with the certified methods to verify the
 15 results we get with the amino assay test.
 16 BOARDMEMBER WILKINS: John, where are the
 17 labs, or lab that you're using, where is it physically
 18 located?
 19 BOARDMEMBER BUCK: Superior Labs is actually
 20 physically located -- that's one of the labs we're
 21 using -- is physically located in San Francisco. I don't
 22 know the exact address of that.
 23 MS. TURKO: I can't remember the exact --
 24 BOARDMEMBER BUCK: It's close enough that
 25 they have a courier here three times a day.

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1 be using. We're going to use rapid turnaround time from
 2 laboratories. We have what we call a close-in lab that
 3 takes deliveries of samples three times a day. We'll use
 4 this rapid analysis to determine the vertical and
 5 horizontal extent of these study areas. This sampling
 6 will also help us identify proper location of permanent
 7 monitoring wells.
 8 We hope by using the techniques, which I'll
 9 explain later, we will decrease the number of permanent
 10 monitoring wells that we'll need to actually install.
 11 We'll be using the screening techniques to focus in on
 12 where the problem is, and then at that point we can
 13 install monitoring wells; instead of using the monitoring
 14 wells to actually chase a plume, so to speak.
 15 We'll also be using this data for refining
 16 estimates for the feasibility study; that's what F.S.
 17 stands for, "Feasibility Study." In other words, really
 18 better define the limits of, for instance, soil that we
 19 might have to excavate, things of that nature.
 20 We'll be using certified methods to verify
 21 this, and also for risk assessment. We'll also be -- in
 22 certain cases, we'll be using screening techniques --
 23 which I'm going to get to in a little bit -- but we'll be
 24 using certified methods to verify those screening
 25 techniques. So it's not just depending on the screening

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1 MS. TURKO: Yeah, and that's our quick
 2 turnaround close-in lab.
 3 BOARDMEMBER WILKINS: Are you using any labs
 4 out of state, though?
 5 MS. TURKO: No, not for this purpose.
 6 BOARDMEMBER BUCK: And all these labs are
 7 certified methods.
 8 BOARDMEMBER REINHARD: I know there was an
 9 issue that some of the PRGs are actually below detection
 10 levels, and so have you determined what you're going to
 11 use as the determination of a detection level? Like is it
 12 an MDL number or --
 13 BOARDMEMBER BUCK: We've worked out with the
 14 regulatory agencies the detection levels for these labs.
 15 We've provided those up front; they've looked at them, and
 16 they're basically what's readily achievable with the
 17 commercial laboratories.
 18 BOARDMEMBER REINHARD: So how does that
 19 compare to like PQL or MDL, how do those levels that you
 20 worked out compare with those?
 21 BOARDMEMBER BUCK: What we're using -- PQL --
 22 BOARDMEMBER REINHARD: It stands for
 23 Practical Quantification Limits.
 24 BOARDMEMBER BUCK: Well, I'm not a chemist --
 25 BOARDMEMBER REINHARD: Neither am I:

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1 BOARDMEMBER BUCK: -- but we are using their
2 reporting limits, what they feel comfortable with. So
3 you're going to be getting real numbers, not a
4 hypothetical number that you can get with a method that is
5 maybe artificially low and a chemist will tell you, "Well,
6 that's not a real number. That's the machine number."

7 We're going to be using a number that they
8 feel, through their internal quality control and quality
9 assurance data, will provide with you reliable
10 information.

11 MS. TURKO: Reliable, repeatable results.

12 BOARDMEMBER REINHARD: Well, that's what I
13 think those laboratory determinations are supposed to be
14 about. Like under the Safe Drinking Water Act Program,
15 that's why they developed the MDLs and PQLs, was to get at
16 what he was just saying.

17 I guess -- maybe what would be helpful, if
18 you have a chance in the future, either as a handout or
19 something, to list what are the detection limits that
20 you're using in this particular program, especially in
21 those cases where it's below a PRG level.

22 BOARDMEMBER BUCK: Or it's above a PRG level
23 you mean.

24 BOARDMEMBER REINHARD: Yeah, yeah. Where the
25 PRG level is below the detection level, yeah, that's what

1 along a blank that's distilled water essentially in the
2 coolers, and that's analyzed by the lab to determine, is
3 it getting contaminated in the shipment process? Things
4 of that nature.

5 So you can see quite an array of samples. In
6 addition to that, we spoke about those field sampling
7 techniques, or screening techniques. We're going to send
8 a certain percentage off to the lab to analyze, in the
9 close-in lab, with a certified method to backup the data
10 that we get from these field techniques.

11 BOARDMEMBER WILKINS: John, what about Data
12 Validation Summary Sheets; do you have any plan or
13 strategy to use those -- do you use them, or are the ones
14 that you use satisfactory for what the -- maybe what the
15 regulators would like to see?

16 BOARDMEMBER BUCK: We discussed that actually
17 with the Environmental Protection Agency, and that's a
18 standard practice for us; we don't necessarily use the
19 same format that they use, but we have the same
20 information in it that they can use for their program. So
21 we did discuss that.

22 BOARDMEMBER WILKINS: Is your intention to
23 provide then those -- what you're currently using, even
24 though it's not in their format, to them?

25 BOARDMEMBER BUCK: Yes, that will be

1 I meant to say.

2 BOARDMEMBER BUCK: We could do that,
3 certainly, and we'll make a note to do that.

4 Part of this process -- again, it's pretty
5 vigorous. You have what you call quality control samples.
6 This again is designed to insure the integrity of the data
7 that you're collecting; that it's reproducible; that it's
8 valid. There's quite a variety of QC samples involved.

9 What a rinse blank is is a decontaminated
10 piece of equipment. You then collect that rinsay
11 (phonetic) and analyze it to insure that your
12 decontamination procedures are adequate; you're not cross
13 contaminating from one side to the other. To the maximum
14 extent possible, we try to use dedicated equipment, but in
15 certain cases, that's just not feasible. So you use a
16 piece of equipment from site to site that you thoroughly
17 rinse off; decontaminate it; in certain case, you take a
18 five percent representative sample of that rinsay blank.

19 These Matrix spikes -- Matrix spike
20 duplicates are something that the laboratory does. The
21 samples sent to them are actually spiked with a known
22 substance, and they analyze that data to see what their
23 recovery is; in fact, can they detect that? And is it
24 within a certain percentage of the known spike of that
25 substance? And you also -- for volatile samples, you send

1 provided.

2 BOARDMEMBER WILKINS: Oh, okay. Good.

3 BOARDMEMBER BUCK: We talked about some of
4 these quicker turnaround investigative techniques. Roger
5 used it in their program, and we're utilizing it also; a
6 thing called a hydropunch and geoprobe. The hydropunch
7 collects groundwater; the geoprobe collects soil samples.
8 It's basically the same device; it's just a different
9 piece of equipment on the end. I think the next slide
10 actually shows a schematic.

11 We're actually using quite -- a much bigger
12 rig than what it shows here. This looks like just one of
13 your normal vans. We have actually -- it's quite a large
14 truck; it's like a panel truck, and what it has is a
15 hydraulic device in the truck that pushes tubes down into
16 the ground, and you can put a series of these tubes down
17 into the ground. Practical limit is probably 30 to 40
18 feet. If you go deeper than that, you actually have to
19 drill down to a certain depth, and then start pushing them
20 through in that manner.

21 And you can put devices on the end of it to
22 either retrieve soil samples or groundwater samples. And
23 you can do a lot -- the advantage of this is that you can
24 do a lot of these in the time that you would put a normal
25 monitoring well in; so you can get a lot of screening

1 samplings. And if you locate a hot spot, then you can put
2 a monitoring well in after you use this sampling
3 technique.

4 Another great advantage of this is you don't
5 generate a lot of what we call investigative derived
6 waste. When you put a monitoring well in, you use like a
7 screw that goes in the ground and it brings soil to the
8 surface. At CERCLA sites, you then have to drum that
9 material, sample it, and handle it in some appropriate
10 manner once you have the results back.

11 In using this technique, you don't really
12 generate that, so it's really a great savings, both in
13 time and money, because you can cover larger areas and you
14 can do it more rapidly, and you don't have the
15 investigative waste that --

16 BOARDMEMBER CHAN: Are these sites marked off
17 or closed off? Or what happens after --

18 BOARDMEMBER BUCK: You mean once you take --
19 yes, they're grouted, so you don't have a conduit or
20 surface water to go into the subsurface. They grout it
21 with bentonite. Bentonite is basically a clay.

22 We basically will survey these locations
23 then; is that correct?

24 MS. TURKO: Yes.

25 BOARDMEMBER CHAN: Do they have a marker?

1 solvent in one of the wells that we had during the
2 initial sampling.

3 We have some investigation areas based on
4 the Park Service request. So basically, the investigation
5 there will be geoprobes, hydropunches and some permanent
6 monitoring wells, if it proves that we need those based
7 upon those earlier sampling results.

8 BOARDMEMBER WILKINS: John, that's pretty
9 close to the -- well, it's right on the edge of the
10 installation boundary. Have you determined whether
11 there's a need to do any sampling off of the installation
12 in that particular --

13 BOARDMEMBER BUCK: We've made provisions to
14 do that; we've arranged with the Marina District. I think
15 our first ring of samples will carry us off-post, so we've
16 made arrangements to do that, both through the Army
17 channel and with them. So we will -- at least one ring
18 will go out there. We'll have to see what the results are
19 to see if we have to expand it.

20 The next area is a Crissy Field area. This
21 encompasses a large swath of land. During the initial
22 rounds of samples, there were several wells that we
23 showed -- two wells I think -- actually some chlorinated
24 solvents; there was a high led hit in one location in
25 soil. So these green areas indicated here really details

1 MS. TURKO: Yes, there will be a survey
2 marker and they will be surveyed, and the City and County
3 of San Francisco has an inspector come out to look at the
4 grouting procedures, and so that person sees every single
5 boring, hydropunch or any other type of boring that's
6 going into the grouting.

7 BOARDMEMBER BUCK: We actually had to pay him
8 some overtime this past weekend.

9 BOARDMEMBER WILKINS: What's that fee, John?
10 Is it \$85 an hour, or something like that?

11 BOARDMEMBER BUCK: I think, something like
12 that, right.

13 These basically are the areas -- I don't know
14 if you're familiar with some of the names. What I'll do
15 is go on the map here and just show the general location
16 of these. The DEH, Director of Engineering & Housing --
17 Director of Public Works, as it was later known, is over
18 in this portion of the facility; here's the San Francisco
19 Bay again. We're right on the edge of the installation at
20 this location. This was used basically to maintain the
21 post when the Army was here. A lot of the buildings there
22 are actually slated for demolition.

23 But that's an area there we selected for some
24 of the sampling. We're going to do some pesticide
25 sampling there; some groundwater sampling for chlorinated

1 where we're going to be sampling at that location.

2 The Coast Guard area is a little further
3 down. That's in this vicinity where the pier is now.
4 We're going to be doing, again, some sampling there.
5 There was some underground storage tanks that actually the
6 Coast Guard pulled out. We did sampling in those areas.
7 We're going to do a little more sampling for actually --
8 where the excavation was further to find those.

9 We have the Building 900s area closer to --
10 getting down towards Fort Point. 900s area, we had
11 some -- it actually extends down in this direction. This
12 green area here was, we had some elevated led hits that
13 we're going to define the extent of those.

14 This area here, this is one area where there
15 was a RCRA corrective action required by the E.P.A. We're
16 still waiting to hear the results of their review of that
17 request; but we do have some sampling proposed for this
18 area.

19 Also, this blue site, these are buildings
20 that are slated for demolition by the Park Service, but
21 we'll have our sampling completed prior to that --
22 undertaking those areas.

23 We had some chlorinated solvents in some
24 groundwater in what's called the 979 area, which is just
25 to the northwest of the 900s area. We're going to put

1 additional monitoring wells in at that location.
 2 Throughout the site there are -- we have some
 3 Landfills and fill sites. I can point them out here. This
 4 is Landfill 4 and 5, I believe --
 5 MS. TURKO: Actually, I believe that's 3
 6 and 4.
 7 BOARDMEMBER BUCK: Oh, sorry. This is the
 8 transfer station. This is Landfill 4; this is Landfill 5.
 9 At 4 and 5, basically we're attempting to put
 10 in monitoring wells. During the initial round of
 11 sampling, we attempted to put wells there; we didn't get
 12 any water. We're going to again attempt to do that.
 13 Preliminary results indicate that we're not going to meet
 14 with any more success than we did the first round. And
 15 quite frankly, we didn't expect to see that because
 16 topographically, from an elevation standpoint, this is
 17 almost the highest point on the Presidio. So from there,
 18 it's a downward direction, so there's not a lot of area
 19 for water to recharge. But we are attempting to do that.
 20 In addition to that, we have some landfills,
 21 1 and 2, over in this direction, and I think this is
 22 Landfill E. Again, at those locations, we're going to be
 23 doing some soil borings, a monitoring well. We're
 24 resampling all the monitoring wells that we put in for the
 25 Initial phase; in some cases, we're going to put --

1 BOARDMEMBER BUCK: We already started that
 2 actually. I think in the back of this, it has a schedule.
 3 We started it last Monday. What we're hoping to do during
 4 the course of this investigation -- particularly after we
 5 have this phased sampling program -- is meet with the
 6 project managers, twice weekly hopefully, discuss the
 7 results once we get them in from it this quick turnaround
 8 lab. Again, from 24 to 48 hours we're hoping to get the
 9 turnaround time. We'll have to see if the Lab's going to
 10 actually perform that efficiently -- we're keeping our
 11 fingers crossed.
 12 We'll sit down and look at the results,
 13 discuss, if this is an area that we think we've closed
 14 off, fine; we'll move on and not continue the sampling.
 15 Or does it look like there's a trend going in one
 16 direction where we should focus our samples in this
 17 direction.
 18 So that's what we'll be doing, sort of an
 19 interactive process, again, to fast-track, but we hope
 20 it's a system that can work out.
 21 MS. TURKO: The last slide was just showing
 22 the areas again --
 23 BOARDMEMBER BUCK: That's superimposed on
 24 some of the sites that we did during our previous
 25 investigation. That's actually a better map than this

1 supplement that network with some additional background
 2 wells and so forth.
 3 There's also what we call Fill Site 6 in
 4 this area. We're going to do some additional wells,
 5 geoprobes, hydropunches in that location. That was a
 6 particular location where the Park Service requested us to
 7 do some additional samplings.
 8 There are some various buildings throughout
 9 the post here, which we'll just call miscellaneous sites,
 10 where we also have a sampling program. A lot of those
 11 sites were based upon a request by the Park Service to put
 12 in some soil borings, collect some samples to just verify,
 13 in fact, whether something is there or not.
 14 The Nike Area is up in this vicinity, sort of
 15 close to the word "housing." We're going to put some more
 16 monitoring wells in there, do some more soil samples at
 17 locations that potentially had some activities that could
 18 cause some contamination; we're going to do some more
 19 verification. We did include these areas in the initial
 20 phase; it's just closing the gaps.
 21 That covers it in just a general fashion.
 22 Again, I'd be glad to discuss these in-depth individually
 23 with you after we go through the presentation.
 24 BOARDMEMBER REINHARD: When is it going to
 25 start?

1 one; it shows the sites and the labels associated with
 2 them.
 3 PUBLIC MEMBER: This does not include the
 4 underground storage tanks?
 5 BOARDMEMBER BUCK: Correct. The underground
 6 storage program is distinct from this investigation. It's
 7 done by the Corps of Engineers.
 8 I have to mention, there's quite a few sites
 9 here, and you may not realize it, but there's a massive
 10 effort to like clear underground utility lines. We
 11 actually had quite a bit of help from the Park Service in
 12 this regard. I'm glad to say to this point, no one's
 13 lights have gone out, or telephone service hasn't been
 14 interrupted. So we're keeping our fingers crossed that
 15 that record continues. You wouldn't believe really, once
 16 you see a map of underground utility lines on this post,
 17 it's like spaghetti. But so far, they've really done a
 18 thorough job, and we have really good communication with
 19 the Park Service.
 20 BOARDMEMBER FUENTES: John, on this map, does
 21 this include the sites that were identified by the Park
 22 Service?
 23 BOARDMEMBER BUCK: Yes.
 24 BOARDMEMBER FUENTES: Which are they?
 25 BOARDMEMBER BUCK: Well, you would have to go

1 through one by one.

2 MS. TURKO: They're generally in the blue
3 though, in the blue color on this map.

4 BOARDMEMBER HORENSTEIN: That were identified
5 for what? Requested for further sampling, or they were
6 weren't sampled the first time?

7 BOARDMEMBER BUCK: We hadn't sampled them;
8 we didn't see a need for sampling them. The Park
9 Service, in their review, thought that they should be
10 sampled, so this is what we've identified.

11 BOARDMEMBER HORENSTEIN: Does this new
12 sampling plan kind of meet all the requests from the Park
13 Service as far as sampling, or were there some that
14 weren't gotten to?

15 BOARDMEMBER BLANK: No, it does.

16 BOARDMEMBER BUCK: We had many meetings over
17 this.

18 BOARDMEMBER HORENSTEIN: No problem.

19 BOARDMEMBER BLANK: I mean, you never want to
20 say definitively, because you never know what else you'll
21 find out there that you want to have sampled, you know,
22 based on some new information. But based on the existing
23 information we had and the site visits that we made, this
24 is what we asked for.

25 BOARDMEMBER GIRARDOT: Does the sampling

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1 At this point, with the information we have,
2 we don't have any reason to believe that it would require
3 that, but it can go into that in a quick fashion.

4 Likewise, some of these sites may not have
5 any phase after our first one, if we -- depending on the
6 sample results.

7 MS. TURKO: The phase sites are essentially
8 sites that we've already been to and we've already
9 investigated once, and we looked at and assessed that we
10 needed to do further sampling of; and then the non-phase
11 sites are generally the Park Service sites that we haven't
12 been to.

13 BOARDMEMBER BUCK: Yes, sir.

14 BOARDMEMBER MCKLEROF: Are these samples you
15 take, the soil samples, are they core samples?

16 BOARDMEMBER BUCK: Yes.

17 BOARDMEMBER MCKLEROF: And you said you're
18 going down 30 feet in some places?

19 BOARDMEMBER BUCK: Well, no. Most places --
20 like along Crissy field, you're not going any deeper than
21 groundwater, which is like five, six feet. In some areas,
22 you are going deeper.

23 BOARDMEMBER MCKLEROF: So is the lab sampling
24 that whole thing, or --

25 BOARDMEMBER BUCK: No, no. We go to a

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1 program at the DEH area have any effect on the timetable
2 for demolition?

3 BOARDMEMBER BUCK: No. We hope -- the Park
4 Service has given us the demolition schedule -- I don't
5 know if you want to mention this -- so we're very aware of
6 that. Actually the time frame for the -- they have quite
7 an ambitious demolition program actually. Not only the
8 DEH area; a lot of the areas -- actually the building that
9 Watkins-Johnson is working out of is slated for demolition
10 also. So that's providing an impetus.

11 But I think really their timeframe is later
12 on this year. They want to do this in this fiscal year,
13 but it's more like the summer timeframe. We hope to be
14 completed with our sampling in January. So we are aware
15 of that restraint and we're trying to accommodate them.
16 We're also trying to prioritize sites to accommodate their
17 objectives also.

18 BOARDMEMBER FUENTES: Maybe, John, you need to
19 explain what's phased and non-phased, because I'm kind of
20 confused about, you know, having those NTS newly
21 identified sites under non-phased. What if you find --

22 BOARDMEMBER BUCK: Based upon our initial --
23 we don't believe at this point that it will require a
24 phase. A site could jump into a phase if we show
25 something, and we'll have to expand at that time.

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1 discrete depth. Say we go to -- the program says 30 feet.
2 We go to 30 feet; grab a sample there. Maybe we have to
3 go to 35 feet; then we go down 35 feet, grab a sample
4 there. Those samples at those discrete depths are sent
5 off to the lab in cores, where the lab then retrieves the
6 sample and does the analysis.

7 BOARDMEMBER MCKLEROF: At that point, you're
8 looking for -- I mean, why would you be choosing certain
9 depths then? I mean, let's say you go down to 20 feet,
10 and, you know, some contaminate may be at five or six
11 feet; you'd go right through it on the way.

12 I mean, would there be a way to catch that?

13 BOARDMEMBER BUCK: Well, first of all, you
14 have field instrumentation out there to detect what's
15 called a PID. But usually we've done sampling already, so
16 we have some idea -- we're not going out there blind in
17 most of these cases. In the new sites, we're going to
18 start with the supposed -- where we think -- suspected
19 contaminants, and we'll work our way out. So you work
20 from the source, and then work away.

21 BOARDMEMBER HORENSTEIN: But I mean, part of
22 your answer, Bruce, I think is yes, you certainly can
23 miss -- I mean, it's a question of probability. And you
24 weigh, you know, your number of samples against the
25 probability that you're going to have a hit there; which I

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1 think is probably why the regulators asked for more
2 samples in certain sites; they suspected maybe you'd find
3 more with more samples -- maybe -- that you didn't get the
4 whole picture with the first round of sampling.

5 BOARDMEMBER REINHARD: I don't know if
6 everybody was sent -- I think everybody on the Main
7 Installation Committee was sent what I was sent, the
8 summary of the sampling program, which I think goes to
9 each site, and shows that at many sites, there's going to
10 be sampling at more than one depth.

11 BOARDMEMBER BUCK: Oh, virtually all of these
12 sites are more one than one depth sampling.

13 BOARDMEMBER REINHARD: Right. So it's not
14 just one at 30 feet or whatever.

15 BOARDMEMBER BUCK: Well, there's always the
16 possibility -- because you don't take a thousand samples
17 in a very small area. You know, short of doing that, you
18 run the risk. But you know, you're not going out there
19 blind; you have some idea of a potential source. So you
20 would work close to the source and then move away, things
21 of that nature.

22 MS. TURKO: And actually, this decision
23 diagram which we have next might help explain some of
24 that.

25 BOARDMEMBER BUCK: This is just an example

1 go out several phases, you know, more of a worst-case
2 thing. But you can see sort of the ring; that blue
3 marking sort of the center, and you work your way out.
4 This is a case where we will have to go out off-site.
5 That's actually the fence line there. So for this
6 particular site, it's off-site.

7 But again, it gives you a flavor for how
8 you're going to be going out at these sites.

9 BOARDMEMBER MILLER: So red is old and blue
10 is new? MS. TURKO: Blue is existing wells.

11 BOARDMEMBER BUCK: And red is new samples
12 that will go around --

13 MS. TURKO: And green is permanent monitoring
14 wells, if we find a large plume.

15 BOARDMEMBER CHAN: So you have two permanent
16 ones located off-site?

17 BOARDMEMBER BUCK: No. They will be put in
18 if we need them.

19 BOARDMEMBER CHAN: Oh, okay. So, these are
20 not in place now?

21 BOARDMEMBER BUCK: No, no. These will be
22 based upon the geoprobes and the hydropunch.

23 Just to summarize how many, you know, samples
24 we're looking at: These are groundwater samples and
25 estimated number of soil samples; so you're talking about

1 site. We had a hit of trichloral (phonetic) ethylene --
2 chlorinated solvents. It's greater than the MCL, so what
3 we're going to do is ring that area, and also go
4 underneath where the well is; we're going to sample and
5 we're going to see if we have clean -- we're going to go
6 until we have a clean sample until we write-off -- not
7 write-off the site, but consider the investigation is
8 complete for that area.

9 So we have one of these decision documents
10 for all our sites. It's pretty exhaustive. You know, are
11 we still getting contamination? If yes, then we continue
12 sampling. If no, then we cease in that area.

13 MS. TURKO: So, basically, we start at a
14 point, in this case, where groundwater is -- the first
15 groundwater, which is about seven to nine feet here, and
16 we know we have a detection there. So we start at that
17 point, but we're going below it two depths. So we're not
18 just sampling one interval; we're looking for clean at
19 several depths; and also laterally.

20 BOARDMEMBER McKLEROY: So you're looking for,
21 once again, a shape or a plume somehow --

22 MS. TURKO: Correct.

23 BOARDMEMBER McKLEROY: -- and you're trying
24 to characterize this shape?

25 BOARDMEMBER BUCK: This shows, if we had to

1 a thousand samplings on top of what we've already sampled
2 to this point in time.

3 BOARDMEMBER WILKINS: How much is this
4 costing taxpayers, John?

5 BOARDMEMBER BUCK: A lot of zeros behind it.

6 BOARDMEMBER HORENSTEIN: A paint job on a B1.

7 BOARDMEMBER BUCK: Basically what we want to
8 show now is just to wrap-up, this is just a tentative
9 schedule; Julianne's been adjusting this. What happens
10 frequently, you lay out a schedule very carefully, but
11 something comes up; you don't get clearance from
12 utilities, some other factor -- you don't get access to a
13 site at a certain time, and you have to adjust this. But
14 generally, these are the places where you're going to see
15 activities in the next two weeks here.

16 It's quite a large effort involving a lot of
17 sites. We're going to have a lot of rigs out, a lot of
18 intense management; but they're doing a real good job
19 right now, and just keeping our fingers crossed that
20 things will work out.

21 BOARDMEMBER McKLEROY: Is this considered a
22 new technology or --

23 BOARDMEMBER BUCK: The hydropunch/geoprobe?

24 BOARDMEMBER McKLEROY: Yeah.

25 BOARDMEMBER BUCK: So this is old stuff?

1 BOARDMEMBER BUCK: I can't say it's really
 2 old, but it's proven technology that's been utilized.
 3 BOARDMEMBER MCKLEROV: Is this fast-track?
 4 BOARDMEMBER BUCK: This is faster track to my
 5 estimation.
 6 BOARDMEMBER MCKLEROV: So this is -- the
 7 reason why I bring it up is that part of the reason that
 8 the RAB is here is to find a program of fast-tracking
 9 clean-up, and maybe this is something that should be
 10 disseminated to other RABs as a possible way to
 11 investigate sites, if they're not using them.
 12 BOARDMEMBER BUCK: That's true. But I think,
 13 though, most of the consultants out there are aware of it
 14 and taking advantage of it.
 15 That's it.
 16 FACILITATOR LEVY: Okay. Thank you.
 17 According to my agenda, we have -- and I've
 18 spoken with Robert about it -- there are three committee
 19 reports to be done tonight. We have one from Doug on the
 20 RPM meeting that he attended; Bennett, I guess, is going
 21 to make a rather lengthy presentation --
 22 BOARDMEMBER HORENSTEIN: Not lengthy. You're
 23 going to scare people away. But we're going to keep it to
 24 just a minimum, fast-track.
 25 FACILITATOR LEVY: Okay, for the

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1 try to capture money that's still there.
 2 So there's conflict at the meetings, but I
 3 found that there was a lot of progress made, a lot of give
 4 and take between all the individuals there, and that was
 5 very reassuring.
 6 I found that I wished that that kind of thing
 7 was going on here at the RAB meetings. In a lot of ways,
 8 tonight's meeting was much more in line with that, so
 9 that's encouraging for me.
 10 I'll just mention one or two of the topics
 11 that were discussed at the meeting. For example, there
 12 are some technologies out there; one's called LTTD.
 13 That's Low-Temperature Thermal Disorption, and that
 14 particular technology is used for cleaning soils. I won't
 15 go into the technology, because I'm not an expert; but
 16 there's a very large machine that you shovel soil through
 17 and it causes the volatile substances to come out.
 18 And that idea was floated for cleaning up
 19 some of the contaminated soils at the Presidio, and what
 20 resulted was a lot of discussion amongst the regulators,
 21 in particular the Water Board. Their concerns would be
 22 what you do with that material after you're done. It's a
 23 very large logistical problem, taking all soils from
 24 different parts of the Presidio, and then where do you put
 25 it? You're not kind of keeping track of this soil from

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1 Organizational Committee; and I guess Joan --
 2 BOARDMEMBER GIRARDOT: We don't have a
 3 committee report. We haven't met.
 4 FACILITATOR LEVY: Okay. Did you want to go
 5 ahead?
 6 BOARDMEMBER KERN: My name is Doug Kern. I'm
 7 a community member of the RAB, and I've attended a couple
 8 of the remedial project managers meetings. These meetings
 9 involve the Army, its contractors, the -- and the
 10 regulators and the Park Service; so the regulators are the
 11 E.P.A. and the Water Board and the D.T.S.C.
 12 And to briefly discuss what, over two days,
 13 was a matter of about eight or nine hours worth of
 14 discussion, it would be difficult to encompass the kinds
 15 of -- but I'd like to characterize it for you, because I
 16 felt rather reassured by the process going on at the
 17 meetings.
 18 What's really going on here are, ideas are
 19 being floated, perhaps by the contractors, for evaluation
 20 by the rest of the people on the committee. And there's a
 21 lot of discussion about legal considerations,
 22 jurisdictions, whose got the control to say what about
 23 what.
 24 Also involved are financial considerations,
 25 that contractors want to get money, fiscal year, budgets,

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1 that site; you might put it over in another site. So it's
 2 got to be really clean for it to be put back at fill.
 3 And so Rich -- or Rick Hyatt from the Water
 4 Board had a lot of questions and he wants to see lots of,
 5 I would say proof that that soil is clean through what he
 6 would call physical models; where you take soil and you
 7 try to leech out any further contaminants out of that
 8 soil. That was discussed for quite a long time.
 9 Also the issue that John touched on tonight
 10 that, as I learned that PRGs meant Preliminary Remediation
 11 Goals -- they've also been referred to as Preliminary Risk
 12 Goals -- and it seemed to me that the values that were
 13 being presented were quite low; even some of them below
 14 what could be detected. So I'm getting reassured that
 15 people want to try to clean it up absolutely to the lowest
 16 possible detection limit.
 17 And those were some of the main things.
 18 The one final issue is a Senate bill that has
 19 come up and -- there's really not enough time here. It's
 20 Senate Bill 1706, which is really being discussed as a
 21 possible new regulation that could have impact on how
 22 particular sites around the Presidio are addressed. It
 23 has to do with dollar value of cleanup for a site; and
 24 there's a lot of discussion going on now about how that
 25 particular Senate bill is going to be applied to the

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1 Presidio.

2 And that's where I could end right now; it's
3 a very brief overview of eight or nine hours of
4 discussion.

5 Yes, Dexter?

6 BOARDMEMBER CHAN: Is it possible that we
7 could get a copy of your notes? Is it disseminable?

8 BOARDMEMBER KERN: I have some minutes that
9 are, but I've asked Dave --

10 BOARDMEMBER WILKINS: Yes. But if you wish
11 to have a copy of the draft minutes from that, you can
12 have it.

13 BOARDMEMBER REINHARD: I'd like to supplement
14 a little bit of Doug's presentation. I was at the first
15 of the two meetings, and I want to talk about the issue
16 that he mentioned at the end. I'm trying to think of how
17 to do this. To me it was quite an important issue.

18 Remember during the legal workshop there was
19 a presentation about how Superfund works and, you know,
20 how the other laws work; and one of the points that were
21 brought out in the legal workshop was about the fact that
22 Superfund does not cover petroleum and that there's a
23 petroleum exclusion.

24 This Senate bill brings up that issue just as
25 one of the consequences of deciding whether, or how much,

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1 through and looked at how you could select a remedy at the
2 Public Health Service Hospital with a RAFS process.

3 Well, it's a different remedy selection
4 process for petroleum sites. That doesn't mean that's
5 it's not going to be protective or anything; it's just a
6 different set of criteria, and it's a different way of
7 going about deciding on the answer. And I don't know when
8 the answer is going to be final, but I think it's very
9 important for us to know when -- know the answer. And I
10 don't know if you have a schedule of deciding the answer
11 or what kind of conclusions are going to come. But it's
12 something that we really want to keep on top of.

13 BOARDMEMBER GIRARDOT: Whose bill is it?

14 BOARDMEMBER REINHARD: Well, actually this
15 bill has been signed by the Governor; it's now law.
16 It was introduced by Senator Wright, but it was made --
17 it's actually not even effective until January 1st.

18 The immediate result of this bill is that for
19 those sites that it does cover -- and whether that applies
20 to Building 637 or not, who knows -- it requires that if
21 the site is going to cost over a million dollars to clean
22 up, that certain kinds of reports and public participation
23 procedures have to be followed in announcing those
24 reports; something that this group is probably six to one,
25 half a dozen another, because we hear everything that's

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1 or to what extent the petroleum exclusion applies. And
2 the reason it comes up is because of what's happening at
3 the Building 637 site that we were all given a
4 presentation about. As Roger mentioned, right now it's
5 thought that the plume is quite distinct and that all
6 that's there is what people call petroleum, or gasoline.

7 And the Senate bill that Doug mentioned comes
8 under the provisions of the California Superfund law,
9 which also has a petroleum exclusion.

10 So there is discussion going on now about
11 whether this Senate bill and other things -- even
12 though petroleum is there -- still applies to that site,
13 Building 637. And my understanding, from caucusing or
14 trying to talk to people in the interim is that it's not
15 completely decided.

16 I think it's an extremely important decision
17 that we want to monitor; not just about 637, but for all
18 of the petroleum activities that happen at the Presidio
19 and in California; but there are many other petroleum
20 areas at the Presidio, all having to do with the
21 underground tank sites, the underground tank program.

22 And just some examples, I think, of how this
23 question affects things is, not only what kinds of reports
24 are written, but how you decide the remedy. You know, we
25 had this presentation from John before where he went

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1 going to happen with this site anyway.

2 But like I say, it will affect the kinds of
3 reports that come out and the kinds of public meetings
4 that are held, and the way the remedies are selected,
5 depending on how this petroleum --

6 BOARDMEMBER FUENTES: So what he's saying is
7 there's going to be more administrative requirements on
8 the part of the underground storage program. There's
9 some --

10 BOARDMEMBER REINHARD: If it applies.

11 BOARDMEMBER FUENTES: It may not apply.

12 BOARDMEMBER MCKLEROY: It may not apply
13 because this is Federal property; is that it?

14 BOARDMEMBER REINHARD: It may not apply
15 because of petroleum.

16 BOARDMEMBER MCKLEROY: (Inaudible)
17 jurisdiction -- California law has jurisdiction over the
18 Presidio?

19 BOARDMEMBER REINHARD: There are several
20 California laws that apply. The California version of
21 Superfund -- I think there was a California person here
22 that night from the legal workshop pointed out that
23 California Superfund Law and E.P.A.'s Superfund law were
24 almost identical. And at the Presidio, that means that
25 buildings like Building 937, where you have definite

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1 hazardous substances like solvents, the Superfund laws
2 apply.

3 But at places like Building 637 -- which is
4 not really a building, by the way; it's a grassy plain.

5 BOARDMEMBER BALL: Asphalt.

6 BOARDMEMBER REINHARD: Asphalt with grass
7 around it -- where you just have petroleum, other
8 California laws, or other Federal laws apply.

9 And that's what I'm saying: How do you go
10 about selecting the right remedy is affected by whether
11 you come under one system or another. And that is what
12 took up a lot of those eight hours that Doug was talking
13 about.

14 FACILITATOR LEVY: Is there a particular
15 point for this group, or a decisional point where that
16 becomes critical, where that information --

17 BOARDMEMBER REINHARD: Now. Well, that's
18 what I'm saying, I think we need to keep hearing from Romy
19 and the regulators their progress and thinking about this
20 problem.

21 BOARDMEMBER FUENTES: We've scheduled a
22 follow-up meeting, right? Is it on the 30th, I believe,
23 of November?

24 BOARDMEMBER WILKINS: No. The 30th is the
25 follow-on sampling. The three dates we talked about for

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1 will cost you million, you have to do those administrative
2 requirements. And I think it's pro-community.

3 BOARDMEMBER REINHARD: Yeah. And what I'm
4 saying is that those new requirements apply to sites that
5 come under the Superfund law, and the question is how many
6 sites does that cover?

7 BOARDMEMBER CHAN: Does this back door amend
8 the California Superfund then?

9 BOARDMEMBER REINHARD: It amends the
10 California Superfund law.

11 BOARDMEMBER CHAN: So it makes it different
12 than the federal?

13 BOARDMEMBER REINHARD: Only on these
14 administrative things that Romy is talking about.
15 Petroleum exclusion is not amended; that stays the same.

16 BOARDMEMBER WILKINS: That's the issue: Does
17 this new Senate bill apply to the UST/FDS sites at the
18 Presidio? The Army's position is no; the regulators
19 position is yes.

20 BOARDMEMBER FUENTES: Commingled sites, where
21 we have petroleum and also hazardous waste.

22 BOARDMEMBER WILKINS: Yeah, but we have
23 had -- to this point, it hasn't proved that we don't have
24 this commingled --

25 BOARDMEMBER FUENTES: That's what your point,

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1 follow-on RPM meeting were to talk about risk assessment,
2 which is kind of an extension of this issue. But that
3 date has not been confirmed yet. We're waiting, depending
4 on when we can get our toxicologist, risk assessor-type
5 people down. That will be announced to everybody either
6 by fax or mail. You'll know, if you want to attend.

7 BOARDMEMBER REINHARD: Well, as Doug said,
8 there was a lot of discussion. I hope for all the
9 regulators, I didn't do you any disservice as far as
10 (inaudible).

11 BOARDMEMBER FUENTES: I think the intent of
12 the Senate bill is to do more removal. You know, the law
13 was amended so that the limit of four-hundred thousand is
14 upgraded to one million; so we're going to be doing more
15 removals, less administrative requirements.

16 BOARDMEMBER REINHARD: Yeah, for those sites.

17 BOARDMEMBER FUENTES: For those sites. And
18 if there is going to be a site where, you know, you're
19 going to be using above a million dollars, you have to
20 do administrative requirements that John has been doing.
21 You know, you got to do a thirty-day public comment on
22 remedial action plan, a public meeting, and a
23 responsiveness summary. So those are all built-in to the
24 remedial action plan.

25 So if you come up with in a cleanup that

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1 there is no commingling?

2 BOARDMEMBER WILKINS: Right.

3 BOARDMEMBER FUENTES: But our point is you
4 haven't established yet.

5 FACILITATOR LEVY: I'd like to try to move
6 on. Are there more questions? Scott, did you have a
7 question or --

8 BOARDMEMBER MILLER: No.

9 BOARDMEMBER MCKLEROY: Just -- David, what
10 you brought up. You said you have data that -- are you
11 collecting data independently? Is the Army collecting
12 data independently, for instance, on the base on this?

13 BOARDMEMBER WILKINS: No. What I'm saying is
14 that the data at the UST and the FDS sites, as it's being
15 collected, is a different program than what's being done
16 for the rest of cleanup sites that you see on that map.
17 So, that's what I'm saying. It's just -- according to
18 the regulators, it's not a sufficient amount of data to
19 make the determination that we want to make, so --

20 PUBLIC MEMBER: Are the lead paint studies
21 from Doyle Drive being folded into all of this?

22 FACILITATOR LEVY: Who can answer that?

23 BOARDMEMBER BLANK: Romy.

24 BOARDMEMBER FUENTES: It hasn't been decided
25 yet. Right now, we're focusing on high levels of lead,

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1 you know, as a result of the historical sandblasting of
2 the Golden Gate Bridge, and it's being addressed by our
3 agency. But right now we don't have concrete decision on
4 the part of our agency, and also on the part of the Army,
5 whether to incorporate that into our investigation.

6 FACILITATOR LEVY: Okay, very good. If
7 there's no objection, I think we ought to move on to
8 Bennett's report.

9 BOARDMEMBER HORENSTEIN: Okay. This will be
10 very fast. There's a few issues we want to bring up
11 tonight for recommendations or discussion -- brief
12 discussion. Primarily it's the Charter and Bylaws that
13 I'm passing around now. Kind of -- we took a two-part
14 approach on these. One was that we took as a clear
15 directive from the RAB -- at the time we made the motion
16 to adopt it as a living document, as we recalled, there
17 were a few specific items we were asked to look at and
18 bring back with recommendations to the RAB. Those items
19 are italicized.

20 Before I go any further, I just wanted to
21 note that we never got the disk -- we tried hard to get
22 the disk from Arnie so this would be easy; but it wasn't.
23 I'd like to thank Leanne for scanning it and reformatting
24 it; and she put in a fair amount of work doing this. If
25 anyone sees Arnie, pass my scolding on to him.

1 BOARDMEMBER LEVINE: Second the motion.

2 FACILITATOR LEVY: Do you want to have any
3 discussion on that motion?

4 BOARDMEMBER HORENSTEIN: So it's pretty clear
5 what the motion is?

6 BOARDMEMBER MCKLEROV: Does this have
7 anything to do with what's a quorum?

8 BOARDMEMBER HORENSTEIN: Exactly. That's a
9 very good point. I should have brought that up.

10 We have established in the Charter and Bylaws
11 a quorum to have a meeting, and that's 60 percent of the
12 people. And so in a way we're already protected from
13 having four people here, and having two-thirds of four
14 people change the Charter and Bylaws. So that's why some
15 of us are comfortable leaving it as is, because we already
16 have a quorum. So then the concern is, well, two-thirds
17 of 60 percent, worst case, could be eight; if we had two
18 members, seven.

19 So that's why there was a thought that 12 is
20 still a necessary floor.

21 BOARDMEMBER REINHARD: When we accepted the
22 Bylaws, was it by a majority vote, or was it by
23 two-thirds?

24 BOARDMEMBER HORENSTEIN: When we accepted, it
25 was --

1 Anyway, I think for the most part, they
2 aren't too significant, but I wanted to call them out very
3 quickly.

4 First, on Page 13, Changes to the Amendments.
5 We, as a committee, couldn't decide on this, but we came
6 to an easy consensus. On here, the idea of two-thirds
7 vote of the RAB, we recalled in committee, there was some
8 concern that two-thirds of all the RAB members -- we'd
9 never be able to make changes, because with attendance
10 dropping off, could we get two-thirds here? But other
11 people were afraid that with just two-thirds of the people
12 attending, you may get a very small amount of people that
13 would make fundamental changes to the document.

14 So what we came up with is two thoughts:
15 One, leave it as is; say two-thirds of the members
16 present, and unless it turns into a problem, not make it
17 one.

18 The alternative recommendation was to have in
19 there a minimum of 12 votes as a number to change the
20 Charter and Bylaws. So, I don't know if there's any
21 discussion on that or thoughts, or leave it as is.

22 Does anyone want to make a motion that that
23 part gets changed to a minimum of 12 votes, to have kind
24 of a ceiling or a floor?

25 BOARDMEMBER MILLER: I'll move it.

1 BOARDMEMBER LEVINE: Majority vote.

2 BOARDMEMBER HORENSTEIN: It was clear
3 consensus -- it was beyond majority and beyond two-thirds,
4 so I think it's a non-issue.

5 BOARDMEMBER REINHARD: Can we just amend it
6 by a majority?

7 BOARDMEMBER LEVINE: Well, there was a
8 discussion about that, Rob, that we felt that an amendment
9 has a lot more significance than just a vote-on motion.
10 That's why -- even in Roberts Rules, they emphasize that,
11 that an amendment should be a much stricter vote than a
12 majority vote.

13 BOARDMEMBER REINHARD: Okay.

14 BOARDMEMBER HORENSTEIN: So we have a motion
15 on the floor to put that floor in, or given the quorum --
16 leave it as is, a quorum.

17 BOARDMEMBER MCKLEROV: Well, another point on
18 that, I know a lot of organizations, that if it's in the
19 agenda, then it's also critical. In other words, people
20 have to have notice that it's going to come up for a vote,
21 and that should be dealt with I think.

22 BOARDMEMBER HORENSTEIN: Yeah. So amendments
23 to the Charter should be in the agenda.

24 BOARDMEMBER LEVINE: Notification.

25 BOARDMEMBER HORENSTEIN: That's an excellent

1 point. Should we amend the motion?

2 BOARDMEMBER GIRARDOT: There's 21 community
3 members?

4 BOARDMEMBER HORENSTEIN: 23 total RAB members.

5 BOARDMEMBER GIRARDOT: That's not including
6 the regulators; that's not including the technical
7 members.

8 BOARDMEMBER WILKINS: When you say "RAB
9 members," that's includes everybody. But we have the
10 community members of the RAB, and we have the technical
11 members of the RAB. That's they way we --

12 BOARDMEMBER LEVINE: What are the numbers,
13 because we were --

14 BOARDMEMBER WILKINS: 22 and 9.

15 BOARDMEMBER LEVINE: We thought it was 23 --

16 BOARDMEMBER WILKINS: There was 23, but
17 Burnett Sumner dropped out, and she hasn't been replaced.

18 FACILITATOR LEVY: Let me ask a preliminary
19 question. What kind of vote do you need to amend your
20 Bylaws?

21 BOARDMEMBER LEVINE: That's what we're
22 discussing.

23 BOARDMEMBER HORENSTEIN: That's what we're
24 trying to vote on. So I think here, we're looking
25 majority vote to amend, unless someone with Robert Rules

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1 BOARDMEMBER LEVINE: Well, somebody's
2 missing. The other question also, Joan, that we were
3 going to bring up is: How do we add boardmembers?

4 BOARDMEMBER HORENSTEIN: Yes, that's what
5 we're going to do next.

6 FACILITATOR LEVY: Okay, why don't we stick
7 with this one now, and see whether -- Bennett, do you want
8 to restate the motion and see whether we can vote on it?

9 BOARDMEMBER HORENSTEIN: Okay, the motion is:
10 Do we want to add a floor to the two-thirds vote on the
11 RAB to change amendments? Meaning that two-thirds alone
12 can't do it if there's less than this floor of 12.

13 FACILITATOR LEVY: Let me see if I can --
14 because I'm not that familiar with what you're doing and
15 what the past discussions were.

16 What I hear you saying -- and tell me if this
17 is accurate -- that you will need a two-thirds majority of
18 the members present to pass an amendment to the Bylaws,
19 with the added condition that that two-thirds must be at
20 least 12 members of the RAB voting in favor of the
21 amendment?

22 BOARDMEMBER HORENSTEIN: That's exactly it.

23 BOARDMEMBER MILLER: Let me make the motion,
24 since I technically made it. What I was saying is that
25 the greater of the two-thirds present or 12. Two-thirds

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1 is going to correct me, I don't know. Majority vote to
2 determine what --

3 BOARDMEMBER LEVINE: See, the only problem --

4 BOARDMEMBER HORENSTEIN: It now says
5 two-thirds, I'm sorry. So it has to be two-thirds as we
6 stated.

7 BOARDMEMBER LEVINE: With a minimum of 12.

8 BOARDMEMBER HORENSTEIN: Right. So the
9 motion is to put that floor of 12 in here before we can
10 change --

11 HORENSTEIN REINHARD: Two-thirds of those
12 present --

13 BOARDMEMBER HORENSTEIN: Two-thirds greater
14 than 12 -- two-thirds and greater than 12.

15 BOARDMEMBER LEVINE: I think if there are 20
16 members of the RAB here, that to amend it would have to be
17 two-thirds, or at least 12. That's the reason we --

18 BOARDMEMBER GIRARDOT: Why 12?

19 BOARDMEMBER LEVINE: Because that would be a
20 majority at the time of the membership.

21 BOARDMEMBER GIRARDOT: There's 22 members?

22 BOARDMEMBER LEVINE: Well, we thought 23, but
23 there's 22 now.

24 BOARDMEMBER GIRARDOT: Well, there's 21 on
25 this list.

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1 doesn't have to equal 12, but if it's less than 12 --

2 FACILITATOR LEVY: Right. Well, that's what
3 I -- does everybody understand the motion, or does anybody
4 not understand?

5 BOARDMEMBER MILLER: And the difference is,
6 it's not just adding a floor of 12. Right now it reads it
7 must be moved by two-thirds of the RAB. I'm saying -- the
8 motion to two-thirds of those present; so that's two
9 changes, not one.

10 BOARDMEMBER HORENSTEIN: Yeah. "The RAB"
11 here implied "present"; I think that was the --

12 FACILITATOR LEVY: And the idea, I assume, is
13 then you're going to rewrite the language to reflect that?

14 BOARDMEMBER HORENSTEIN: Certainly, if it
15 passes.

16 BOARDMEMBER REINHARD: The number 12, it
17 didn't sound like it included the technical members.

18 BOARDMEMBER LEVINE: We did not.

19 BOARDMEMBER GIRARDOT: No.

20 BOARDMEMBER REINHARD: The RAB is not just 23
21 members. It's 22 plus 9.

22 BOARDMEMBER HORENSTEIN: So, what are you --

23 BOARDMEMBER REINHARD: You said you got the
24 number 12 by just thinking that there were 22 RAB --

25 BOARDMEMBER HORENSTEIN: Not just thinking.

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1 I think the thought was not to have less than a majority
2 of the community members. But you have a good point.

3 BOARDMEMBER LEVINE: That was our reasoning,
4 we wanted a majority of the community members.

5 BOARDMEMBER REINHARD: Yeah. I'm saying it
6 doesn't matter community or noncommunity; everybody
7 votes.

8 BOARDMEMBER LEVINE: No, how this came out,
9 suppose that there are 14 or 15 people here at the RAB and
10 a vote had to come up to amend, or there was an amendment
11 that was posed; two-thirds of 15 would be ten. And we
12 felt that wasn't justified. We felt there should be a
13 ceiling of 12 in order to get an amendment passed, even
14 though there were just 15 members present.

15 BOARDMEMBER GIRARDOT: But are you saying 12
16 community members? Or 12 out of 30 RAB members? I'm not
17 understanding that.

18 BOARDMEMBER LEVINE: No, we said 12 of the
19 community members, wasn't it?

20 BOARDMEMBER HORENSTEIN: Yeah.

21 BOARDMEMBER REINHARD: Yeah. See, that's
22 not --

23 FACILITATOR LEVY: Well, I didn't understand
24 that when I rephrased that. That's a very good question.
25 Is the motion -- whoever offered it -- that the 12 --

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1 through. So the only question was 12, 20, whatever --
2 some number, so that there's no railroading going on;
3 whether it's community or all members, I think it's
4 incidental. The important thing I think is, what does
5 everyone feel comfortable with as a minimum number
6 of people here?

7 The main thing is that -- not only
8 railroading, but at certain points the turnout's too low,
9 then you shouldn't be really making any fundamental
10 decisions.

11 Does anyone have a comfortable number that
12 they all want to live with?

13 BOARDMEMBER HORENSTEIN: Personally, as a
14 non-Organizational Committee member -- I think given the
15 quorum, two-thirds of the members present should be able
16 to do business if there's enough for a quorum, and that
17 includes changing here. I like it if it's in the agenda.

18 I don't think the RAB should be constrained
19 by non-participation of people who may or may not be
20 coming.

21 That's my non-Organizational Committee view.

22 BOARDMEMBER O'HARA: My question is: Who
23 votes? It just the community, or is it the whole RAB?

24 BOARDMEMBER MILLER: Everybody.

25 FACILITATOR LEVY: What is the policy that

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1 there must be at least 12 community members present and
2 voting for the amendment? Or is it just 12 members,
3 whatever the constituencies are, communities and
4 regulators and others?

5 That's your question, is it not?

6 BOARDMEMBER GIRARDOT: Yes. I would just
7 like to propose that why can't it just be two-thirds of
8 the community members? That would mean 14 people; with
9 proper notice of a published agenda that a vote is going
10 to be taken to amend the Bylaws and the Charter in such
11 and such a way.

12 BOARDMEMBER HORENSTEIN: Two-thirds the
13 community present?

14 BOARDMEMBER GIRARDOT: No, it's 14
15 people.

16 BOARDMEMBER LEVINE: Right now, because of
17 the 22.

18 BOARDMEMBER GIRARDOT: Yeah.

19 BOARDMEMBER REINHARD: I think it should be
20 based on the fact that it's not just community members,
21 but that everybody votes; and so it's two-thirds of
22 everybody, or some floor of everybody.

23 BOARDMEMBER MILLER: My understanding, when I
24 agreed to make the motion, was that -- your main concern
25 was that you didn't want to have anything railroaded

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1 you're trying to -- I hear two different things.

2 BOARDMEMBER HORENSTEIN: I think Scott stated
3 it very well; that's the issue. And do people have
4 concern of things being railroaded through by a small
5 number of people, or do we want to put a ceiling on that
6 at a higher number than the conceivable minimum?

7 FACILITATOR LEVY: Okay. Let me ask this
8 then: The motion as you posed it is 12 members --

9 BOARDMEMBER MILLER: I understood it as 12
10 members of the RAB, all parties included. But I don't
11 care. I mean, I moved it as I understood it to be.

12 BOARDMEMBER O'HARA: I'd like to see that
13 number raised to 20.

14 BOARDMEMBER LEVINE: See, I don't think we
15 can amend it then.

16 BOARDMEMBER HORENSTEIN: 20 is --

17 UNKNOWN BOARDMEMBER: We don't have 20
18 members here.

19 BOARDMEMBER HORENSTEIN: Yeah, that's going
20 to really affect any given RAB, whether we have that many
21 in attendance.

22 BOARDMEMBER LEVINE: That's right.

23 See, I don't think you can make amendments at
24 ease; that's one of the issues here. What's why I agree,
25 but I don't think 20 would be -- and I think that we

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1 should compromise between 12 and 20.
 2 BOARDMEMBER HORENSTEIN: 16.
 3 BOARDMEMBER GIRARDOT: No. You're just
 4 pulling numbers out of a hat. What about establishing a
 5 policy of having your advertising in advance, via the
 6 agenda, that you're going to be making a certain motion;
 7 and what about we have certain requirements for RAB
 8 attendance; couple that with a notion that if a RAB
 9 member can't be present for an important vote, that they
 10 designate to sit in for them -- like Leeann does for
 11 Michael Alexander -- and casts a vote; so we stick with
 12 two-thirds of the RAB, which is 20 people.
 13 BOARDMEMBER LEVINE: Let's, again, suppose
 14 two-thirds of the RAB represents under 20 people -- I mean
 15 a quorum. We've got it in the Bylaws that we don't have
 16 an official meeting unless there's a quorum present.
 17 BOARDMEMBER GIRARDOT: What is our quorum?
 18 BOARDMEMBER LEVINE: Well, how many members
 19 do we have, David?
 20 BOARDMEMBER GIRARDOT: We have 30 if you're
 21 counting everybody.
 22 BOARDMEMBER LEVINE: 30, so that means a
 23 quorum would be 16.
 24 BOARDMEMBER CHAN: No. But the quorum here
 25 states 16 of the community members.

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1 RAB member is not coming, they send an alternate.
 2 BOARDMEMBER HORENSTEIN: About 20, given
 3 whatever number --
 4 BOARDMEMBER LEVINE: How many people will
 5 send someone?
 6 FACILITATOR LEVY: Well, let me just restate
 7 it and see if anybody's going to second it, because we
 8 need to try to bring this to closure, if we can, tonight.
 9 As I understand the motion, is that any
 10 amendment to the Bylaws requires a two-thirds majority of
 11 the RAB members, and non-present RAB members may vote by
 12 proxy. That's the proposal, yes?
 13 BOARDMEMBER GIRARDOT: With notification.
 14 FACILITATOR LEVY: What kind of notification?
 15 BOARDMEMBER GIRARDOT: In a published agenda
 16 in advance.
 17 FACILITATOR LEVY: When you say "notice," how
 18 much notice would you say --
 19 BOARDMEMBER HORENSTEIN: We get agendas in
 20 advance now, so the item would have to be on the agenda.
 21 BOARDMEMBER GIRARDOT: Listed on the agenda.
 22 BOARDMEMBER WILKINS: Not a problem.
 23 FACILITATOR LEVY: Okay.
 24 BOARDMEMBER O'HARA: Second.
 25 FACILITATOR LEVY: Second it.

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1 BOARDMEMBER LEVINE: You see, that's if we
 2 have a quorum, it's 16. And then two-thirds of 16
 3 represents 11 or 12.
 4 FACILITATOR LEVY: Okay. Why don't we try to
 5 clarify this a little bit. We can put your motion to a
 6 vote to see whether that's going to work with the
 7 constituents here to see whether we're back to square one,
 8 or --
 9 BOARDMEMBER MILLER: I was going to say I
 10 withdraw the motion because I don't even know what it is
 11 anymore.
 12 FACILITATOR LEVY: Okay, the motion has been
 13 withdrawn, so we're back to square one. Does anybody want
 14 to make a motion or a proposal for a means -- Joan, do you
 15 want to make a motion reflecting your idea of a notice
 16 period, followed by, you know, a minimum --
 17 BOARDMEMBER GIRARDOT: Well, okay, it
 18 probably won't pass. My motion is that we stick with
 19 two-thirds of the RAB to make an amendment to the Charter.
 20 FACILITATOR LEVY: Two-thirds of the RAB --
 21 BOARDMEMBER GIRARDOT: Of the RAB. That's 30
 22 people.
 23 FACILITATOR LEVY: -- whether present or not?
 24 BOARDMEMBER GIRARDOT: Well, and with proper
 25 notification that a vote is going to be taken; and if a

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1 Any discussion on it?
 2 Why don't we take a vote. All in favor of
 3 Joan's motion, raise your hand.
 4 I count 14 in favor.
 5 All opposed?
 6 Three.
 7 BOARDMEMBER LAHREN: I'm confused.
 8 FACILITATOR LEVY: Well, wait, before you
 9 state your confusion, were there three hands? Three.
 10 Okay. Are you changing your vote?
 11 Okay, two abstentions, yes. I thought you
 12 voted in favor. I counted you as --
 13 BOARDMEMBER LAHREN: I just wanted to hear
 14 the argument against.
 15 FACILITATOR LEVY: Well, I think we're past
 16 that point. I'd like -- that unless someone's moving for
 17 reconsideration, it appears to me by your own rules, as I
 18 understand them prior to our rules of amendment, that the
 19 motion has passed; is that correct?
 20 BOARDMEMBER MILLER: Well, I'm not sure,
 21 because I don't know what the existing way of changing the
 22 things --
 23 BOARDMEMBER HORENSTEIN: Two-thirds of the
 24 number of the RAB. What we're doing, we're constrained
 25 by the exact motion we're trying to pass. We'll never be

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1 able to pass a motion.
 2 FACILITATOR LEVY: Okay, the motion does not
 3 pass.
 4 BOARDMEMBER MILLER: We need 20 --
 5 UNKNOWN BOARDMEMBER: How many RAB members
 6 are here tonight?
 7 BOARDMEMBER GIRARDOT: Well, four have left.
 8 BOARDMEMBER HORENSTEIN: There are about 16
 9 or 17 members here right now.
 10 BOARDMEMBER LEVINE: Joan, on the proxy;
 11 what do you mean by a proxy? Can someone call you and
 12 say, "Vote for me" or have it in writing? Or does it have
 13 to be an individual? Because that's something that we
 14 have to discuss, because if seven or eight people are
 15 gone -- just like tonight, we have four people who have
 16 already gone --
 17 BOARDMEMBER HORENSTEIN: We won't be able to
 18 conduct business.
 19 FACILITATOR LEVY: I think you're right. But
 20 again, this is not my call, but you have not -- based on
 21 your standard of what it requires to make an amendment,
 22 you don't have the votes.
 23 Another possibility -- and I don't know if
 24 this will work -- is --
 25 BOARDMEMBER GIRARDOT: But this wasn't

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1 for future. I mean, there's actually a few other very
 2 simpler items.
 3 BOARDMEMBER LEVINE: Yeah, because it's the
 4 most difficult.
 5 FACILITATOR LEVY: Do you want to vote -- I
 6 don't even know if you have enough to -- sort of amending
 7 the voting while we go, but there's --
 8 BOARDMEMBER HORENSTEIN: So it stays as is,
 9 two-thirds of RAB members, and we're assuming that means
 10 present.
 11 BOARDMEMBER MILLER: It says "RAB members."
 12 I mean, we can't --
 13 BOARDMEMBER HORENSTEIN: But throughout the
 14 document, there are references to "RAB members," and it
 15 defines it a little more clearly. The meaning is "RAB
 16 members present"; that's my interpretation of how it is
 17 now.
 18 FACILITATOR LEVY: You're understanding that
 19 approval of a two-thirds vote of the RAB means those
 20 present; is that what you're saying?
 21 BOARDMEMBER REINHARD: Well, there is one
 22 thing in here where --
 23 BOARDMEMBER HORENSTEIN: I mean, we have
 24 lawyers here --
 25 BOARDMEMBER GIRARDOT: You know, you can get

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1 publicized so people can know and come --
 2 FACILITATOR LEVY: -- to publish this and
 3 have your next meeting, to have that official vote with
 4 proxies.
 5 BOARDMEMBER GIRARDOT: -- and besides, we
 6 have four members that left.
 7 BOARDMEMBER HORENSTEIN: Well, I also think
 8 it illustrated the problem to get 20 votes on anything, it
 9 may never happen.
 10 FACILITATOR LEVY: We did have something
 11 there that we discussed, we were going to give these
 12 people -- or give the RAB a list of other things that we
 13 wanted to consider for them to comment on for the next
 14 meeting. Then let's include that part of it.
 15 We have another question in the back.
 16 BOARDMEMBER LAHREN: I think it makes sense
 17 to have two-thirds of the RAB members who are voting,
 18 either present or by proxy; not the total RAB, but just
 19 the people who are voting.
 20 PUBLIC MEMBER: As a no-vote, I would vote
 21 for that.
 22 BOARDMEMBER HORENSTEIN: No, no, no. You're
 23 saying you're either here or you have a proxy, and that
 24 number versus the five people that never show up are
 25 counted in the total -- okay. Maybe we shall decide if

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1 yourself into some pretty ridiculous situations, because
 2 12 people -- let's assume you had nine regulators plus
 3 three community members who voted some way, and then you'd
 4 say, "Hey, wait a minute, what about the other community
 5 members" --
 6 BOARDMEMBER HORENSTEIN: That's why this was
 7 the concern. Maybe there's some happy medium.
 8 FACILITATOR LEVY: Okay, why don't you go on.
 9 BOARDMEMBER HORENSTEIN: Okay. Maybe what's
 10 easiest is -- the rest of them are in italics, and maybe
 11 people can review them and we'll make a motion, hopefully
 12 as a whole, to adopt them next time. They're all fairly
 13 straightforward, either dealing with definitions or --
 14 including some things that were referencing the Park
 15 Service that were left out inadvertently; or a couple
 16 other things on access to documents.
 17 Also, on the back is a proposed document
 18 request form. That was something we were asked to do.
 19 So that aside, very, very briefly;
 20 facilitator; what's come out is to recommend, at the next
 21 meeting, a different facilitator to give the RAB a
 22 selection to select a permanent one. I've heard some
 23 comments made to me as "We've seen enough. Let's get a
 24 permanent one so we can work with him or her to do the
 25 business at hand."

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1 I don't know if there's a feeling one way or
2 the other.

3 FACILITATOR LEVY: People may not want to
4 discuss it with me around, I mean.

5 BOARDMEMBER HORENSTEIN: Okay. Our
6 recommendation, I guess, is -- why don't we just go with
7 the recommendation, unless there's something to the
8 contrary; is that we have a different facilitator at the
9 next meeting, at which point at the end of the meeting,
10 we'll have kind of a secret ballot on selecting our
11 facilitator. Any comments on that? Great.

12 Co-chair item; the Organizational Committee
13 is recommending that given that the six-month community
14 Co-chair term is near ending, that the next meeting, we
15 have nominations; and the subsequent meeting, elections
16 for a new community Co-chair. Does that meet
17 satisfaction to everyone?

18 So that will be an agenda item to next time,
19 nominations for community Co-chair, great.

20 One final one is; when we looked at this
21 issue, new members and old members, and we're recommending
22 that the Public Outreach Committee -- assuming that they
23 have a meeting or two -- take the responsibility to work
24 with the Public Affairs Office to send out notices to the
25 San Francisco community that we have X open slots.

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1 Community go back into the document and clarify "RAB
2 membership"? Because in the membership, you state that it
3 includes the technical members; but in the quorum, you
4 exclude them. And then later on, you just talk about
5 "RAB."

6 So could you just clarify, when you're
7 talking about "RAB," which one you're talking about and
8 which sections?

9 BOARDMEMBER HORENSTEIN: Yeah, we'll do that,
10 Dexter. There's also a recommendation that we had that I
11 think we should just quickly bring up -- I didn't want to
12 get in detail given the earlier discussion -- is, there
13 were a lot of comments made by, in fact, numerous members
14 of the RAB on the Charter and Bylaws in -- I think in
15 large part making them cleaner and simpler and clearer.
16 And the Organizational Committee didn't want to, on its
17 own, go and look at them and make wholesale
18 recommendations.

19 We're recommending kind of that the RAB
20 direct us to take a look at these numerous recommendations
21 from different members and come up with --

22 BOARDMEMBER REINHARD: Well, how many times
23 do you want --

24 BOARDMEMBER LEVINE: Well, wait, wait. That
25 wasn't the way it was stated. The way it was stated, Rob,

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1 BOARDMEMBER GIRARDOT: How many?

2 BOARDMEMBER HORENSTEIN: Well, I think David
3 can answer that better than I.

4 And that's just our recommendation. This is
5 done prior to just filling members based on
6 recommendations or something, that we open it up to people
7 in the community.

8 FACILITATOR LEVY: Thank you.

9 Yes, sir.

10 BOARDMEMBER MCKLEROV: If we're going to be
11 taking nominations for community Co-chair, we may have to
12 go through the same sort of C.V. thing that we did last
13 time. In other words, if somebody wants to be nominated,
14 isn't that when you sent in --

15 BOARDMEMBER REINHARD: I think the reason for
16 it the first time is that we really didn't know each
17 other, and now we have more experience --

18 BOARDMEMBER MCKLEROV: That's true.

19 BOARDMEMBER HORENSTEIN: The thought was,
20 Bruce, if we do nominations, then you have two weeks to
21 think about it and ask questions. I mean, we know each
22 other --

23 BOARDMEMBER MCKLEROV: That's a good point,
24 right.

25 BOARDMEMBER CHAN: Can the Organizational

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1 is that Bylaws are adopted with the exception of the
2 amendment clause. Now, if there any changes, then it's
3 going to be done by the amendment clause.

4 Now, that's a very good point that was made
5 there --

6 BOARDMEMBER HORENSTEIN: We're only
7 recommending changes.

8 BOARDMEMBER LEVINE: That's right, we're only
9 recommending changes. So, if there's a change, we can't
10 go back and change it; it has to be directed by the full
11 RAB.

12 FACILITATOR LEVY: Okay, what I understood --
13 and I think we ought to bring this discussion to a close,
14 go through new business and call it a night -- is that --
15 I think what he was talking about is a definitional issue;
16 not so much an amendment, as opposed to -- when you mean
17 the entire --

18 BOARDMEMBER HORENSTEIN: We got it.

19 FACILITATOR LEVY: You understand? So that I
20 don't have to -- it falls within the amendment -- you know
21 the document better than I do.

22 But I'd like to leave it there if we can.

23 BOARDMEMBER CHAN: There's one last item,
24 though. They've added something to the back that we've
25 never seen before.

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1 BOARDMEMBER HORENSTEIN: I mentioned that. I
2 was probably just talking really fast; you didn't get it.

3 The back is a form that we're just putting
4 out for a discussion. Next time we can talk in more
5 detail; a RAB document request form. Just something to
6 state -- there was some concern that maybe we aren't
7 getting documents; if that turns into an issue. But at
8 least there's a mechanism to request forms or other things
9 if we need it. There's some thinking that we may need it.

10 BOARDMEMBER CHAN: It's not part of --

11 BOARDMEMBER HORENSTEIN: It's not part of; I
12 just conserved paper.

13 FACILITATOR LEVY: Thank you.

14 Can we discuss new business quickly? Anybody
15 have any suggestions? I know, Scott, you mentioned
16 something earlier.

17 BOARDMEMBER MILLER: Yes. Briefly, I wanted
18 to see if there is any interest in having Steve Richey
19 give a talk on the risk based approached cleanup standards
20 from the regional board's prospective. He is the
21 Executive Officer of the regional board, and he's agreed
22 to give a talk at our RAB if we're interested. He is Rick
23 Hyatt's boss's boss. I thought it would be more
24 appropriate for him than Rick Hyatt because of his level
25 of authority, and since he is ultimately the person who is

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1 BOARDMEMBER HORENSTEIN: It's actually really
2 interesting, and it is a new approach. I'd love to hear
3 it. It's not too applicable, I don't think, to the
4 cleanup of the Presidio, because it's more to the
5 discharge of the bay waters --

6 BOARDMEMBER MILLER: No. It's very
7 applicable to groundwater, and in particular, it's very
8 applicable to the underground tank issues, and to the
9 direct issues --

10 BOARDMEMBER HORENSTEIN: Base implant?

11 BOARDMEMBER MILLER: Absolutely. Base
12 implant is the basis for groundwater remediation, and it's
13 at the heart of the cleanup of the Presidio.

14 FACILITATOR LEVY: Are there any objections
15 to Scott pursuing this as a possible presentation to the
16 group? Is that what you --

17 BOARDMEMBER MILLER: Well, no. He's already
18 agreed to do it if we are interested. I want to see if
19 there's sufficient interest, because I don't want to drag
20 him out here if there's not. I imagine a half-hour talk,
21 or less, and plus questions and answers.

22 BOARDMEMBER HORENSTEIN: I'd love to hear it.

23 BOARDMEMBER LEVINE: Can we make it a
24 workshop?

25 BOARDMEMBER MILLER: That's what I would

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1 promoting this policy.

2 It's an innovative policy. He's gone through
3 several months -- in fact years of discussion, and it's
4 one that I think has pertinence. And I asked him
5 specifically if it's related to military bases. It very
6 much is. And I think it would be really interesting to
7 kind of get to the heart of some of these questions while
8 we still have a chance to have input.

9 Is there interest in that -- sufficient
10 interest in that?

11 BOARDMEMBER WILKINS: Does it apply right
12 now?

13 BOARDMEMBER MILLER: Does what apply right
14 now?

15 BOARDMEMBER WILKINS: This new policy you're
16 talking about.

17 BOARDMEMBER MILLER: The policy, no. The
18 policy has actually been proposed as part of what they
19 call a base implant, which is now before the State Board;
20 they're waiting for a hearing. It is not implemented. It
21 may be implemented next month -- as early as next month,
22 or as late as sometime in the mid next year.

23 However, they are implementing it right now
24 on a site-by-site basis, and it's a more flexible approach
25 than hard numerical numbers.

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1 Like -- I mean, I don't care if it's in a workshop --

2 BOARDMEMBER LEVINE: How about as a workshop?

3 BOARDMEMBER CHAN: I would be up for a
4 half-hour presentation.

5 BOARDMEMBER BALL: At a RAB meeting.

6 BOARDMEMBER HORENSTEIN: Yes.

7 FACILITATOR LEVY: Okay. Is that a consensus
8 view? Anybody feel differently?

9 BOARDMEMBER WILKINS: I feel differently. If
10 it doesn't apply, why cloud the issue with stuff that
11 doesn't apply? We've got enough problems as it is with
12 the Senate bill and everything else. I mean, when it does
13 apply, then bring him on.

14 FACILITATOR LEVY: Sounds like, though,
15 there's a consensus that the rest of the group would like
16 to hear from him, so it looks as if that suggestion
17 carries.

18 BOARDMEMBER MILLER: Only as a footnote, it
19 does apply to the extent that Rick Hyatt is giving advice
20 to the RAB as a regional board --

21 FACILITATOR LEVY: We've already agreed to
22 it.

23 BOARDMEMBER MILLER: No, I just thought it
24 was appropriate as a quick response.

25 FACILITATOR LEVY: Anybody else have any new

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1 business? Yes, sir.

2 BOARDMEMBER WILKINS: Does anyone see a need
3 to have a RAB on the 20th of December? Our next RAB's
4 scheduled for the 6th; the next one after that is the
5 20th.

6 Now, we don't have everybody here, but let's
7 look at the reality of things, you know. I plan on being
8 out of town and doing funner things in my life than this
9 RAB. What about the rest of you guys? I mean, let's be
10 for real; it's Christmas, all right.

11 BOARDMEMBER BUCK: I would concur.

12 BOARDMEMBER HORENSTEIN: Okay, we'll let you
13 guys off for Christmas, Dave.

14 FACILITATOR LEVY: Anybody opposed to it?

15 BOARDMEMBER WILKINS: Okay. Good. There
16 will not be a RAB on the 20th of December. The next RAB
17 is going to be on the 6th of December.

18 BOARDMEMBER REINHARD: For other agenda
19 items, I would like a report on the supplemental sampling
20 results that you're going to also being reporting at the
21 RPM meeting.

22 BOARDMEMBER BUCK: At the next RAB meeting?

23 BOARDMEMBER REINHARD: That's one agenda item.

24 BOARDMEMBER WILKINS: Say it again, Rob.

25 BOARDMEMBER BUCK: It will probably be real

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1 about what the remediation program is going to be and what
2 kinds of decisions you're thinking of for cleanup.

3 BOARDMEMBER WILKINS: Yeah, I think that's
4 just like where we're at right now as of the 6th of
5 December type of thing; where we're at; what we're leaning
6 towards?

7 BOARDMEMBER REINHARD: That's right, what
8 you will know on the 5th.

9 BOARDMEMBER WILKINS: Yeah.

10 MR. HENDERSON: I won't be here that day, but
11 we'll have somebody here.

12 BOARDMEMBER HORENSTEIN: It may be a new
13 agenda item, I don't know. One of our Charters as a
14 RAB -- both in our thing that we just developed, as as
15 well as in the guidance from D.O.D. and E.P.A. -- is
16 public outreach.

17 A lot of RABs are creating fliers that are
18 going out to the community on updates of cleanup
19 activities, and I think maybe it's something -- instead of
20 having committee reports that's not getting anywhere, just
21 talk about how the whole RAB can get more involved or
22 support from the Public Affairs Officer.

23 I think we're really letting it slip by as
24 one of our primary objectives and missions of really
25 outreaching and talking to the community and getting them

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1 rough, because we're getting stuff in from the lab on the
2 fly.

3 BOARDMEMBER REINHARD: Yeah. Well, that's
4 the fine.

5 And the other agenda item that I think might
6 be appropriate is -- although it's not clear that the
7 Building 637 document is going to be available on that
8 date -- you said within a couple of weeks, so maybe within
9 a couple of weeks you'll at least be able to have a
10 presentation on what the interim -- I don't know what you
11 want to call it -- what the remediation program is going
12 to be --

13 MR. HENDERSON: Corrective action plan.

14 BOARDMEMBER REINHARD: -- corrective action
15 is going to be, and a follow-up on what Harold was saying;
16 so what are we going to do? How are we going to decide on
17 the clean-up levels?

18 MR. HENDERSON: You want that on the 6th of
19 December? I don't think the document may even be out by
20 then. I said a couple weeks, plus or minus a week or so.
21 So it may be better to have it after the next scheduled
22 RAB, after that.

23 BOARDMEMBER REINHARD: Well, even though the
24 report isn't out -- I mean, since we're not going to have
25 a RAB meeting until January whatever, if you could talk

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1 involved.

2 FACILITATOR LEVY: Okay. Any other
3 suggestions?

4 I guess we're done. You know, the one --
5 just my sense from this one failed issue on the
6 amendments, it might make sense for you to include that in
7 your next agenda; you might have people in advance know,
8 you know, what the proposal is; maybe you can bring it to
9 a vote at that time. What's needed under your
10 understanding that you need a two-thirds vote and trying
11 to get it; you might include that somehow in the materials
12 that go out to the RAB members.

13 BOARDMEMBER HORENSTEIN: I think you're
14 right. Maybe a little thing in writing or clarification
15 with what alternatives are --

16 FACILITATOR LEVY: And frankly, the language
17 suggesting the change, you know.

18 I guess we're done. Thank you very much.

20 (Whereupon, the proceedings adjourned at 10:13 p.m.)

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1 STATE OF CALIFORNIA }
2 COUNTY OF ALAMEDA }

3
4 I, Theresa A. Darnell, C.S.R. No. 9966, in and
5 for the County of Alameda, State of California,
6 hereby certify that the foregoing proceedings in
7 the within-entitled cause was reported by me, a Certified
8 Shorthand Reporter and a disinterested person, to the best
9 of my ability, and was thereafter transcribed into
10 typewriting under my direction and supervision.

11 IN WITNESS WHEREOF, I have hereunto set my hand.

12
13
14 Date: _____, 1994
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THE RESTORATION ADVISORY BOARD MEETING

CERTIFIED COPY

TUESDAY, DECEMBER 6, 1994

HELD AT

FORT MASON G.G.N.R.A HEADQUARTERS

SAN FRANCISCO, CALIFORNIA

7:14 P.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BY THERESA A. DARNELL CSR 9966

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 HAROLD BALL
 JANETTE BAXTER
 ROBERTA BLANK
 J. DENNIS BONNEY
 GREG BRIDGESTOCK
 JOHN BUCK
 DEXTER CHAN
 ROMY FUENTES
 HEIDI GEWERTZ
 JOAN GIRARDOT
 MICHAEL HEALY
 RICHARD HIETT/LYNN SUER
 BENNETT HORENSTEIN
 DOUG KERN
 WILLIAM LEE/SCOTT NAKAMURA/AMY BROWNELL
 SOL LEVINE
 ANDREW LOLL
 BRUCE MCKLEROY
 HELEN MARTE-BAUTISTA
 SCOTT MILLER
 JAN MONAGHAN
 PETER O'HARA
 ROBERT REINHARD
 LARRY STUHL MILLER
 ELLIS WALLENGER
 MARTHA WALTERS
 CAROLINE WASHINGTON
 DAVID WILKINS
 MICHAEL WORK

---o0o---

PROCEEDINGS

BOARDMEMBER WILKINS: Good evening.

Let me get your attention and we can go ahead and get started. I'd like to formally welcome everybody back once again to the next installment of our RAB meeting.

First thing I'd like to do tonight is introduce our facilitator for this evening. His name is Dr. Hoy Steele. Hoy is a senior partner with The Results Group out of Santa Rosa. He's got a lot of experience with facilitating various -- working with various institutions, among those Cal EPA, the Coastal Conservancy, the Tahoe Conservancy, Sonoma County Public Health and Environmental Health, and East Bay MUD, and we'd like to welcome him here this evening.

I would also like to just briefly mention that on December 1st, last Thursday, we had the public meeting with the revised draft Remedial Action Plan for the Public Health Services Hospital. It was a very successful public meeting, however we didn't get too much public participation; in fact, there were only two general public members that showed up to the meeting, so besides the formal presentations we had, there weren't any significant comments. And at this point we're ready to move forward with organizing and preparing our Record of

Decision for cleanup of that area.

The last thing I'd like to do before I turn it over to Hoy is just mention that on the agenda, Item 2 and Item 3 need to be switched. We're going to do the approval of the proposed agenda before we move to the old business items. So without further adieu --

FACILITATOR STEELE: Thank you. Did you want to say anything about the videotape?

BOARDMEMBER WILKINS: Oh, I'm sorry. One more point also, this evening we have here David Donenfield (phonetic) of David Donenfield Productions. They're going to be videotaping this RAB, and perhaps future RAB sessions as part of a video documentary to be published next fall that's going to describe basically the history of the cleanup program here at the Presidio. So I'd like also to welcome Dave and his assistant Haley tonight.

FACILITATOR STEELE: Thank you, David. It's a pleasure to be here with you tonight --

BOARDMEMBER ALEXANDER: Point of Information, if I may. Dave, you said you're ready to go to the Record of Decision. There's still an open comment period, I believe.

BOARDMEMBER WILKINS: Yes, until the 15th of December.

1 BOARDMEMBER ALEXANDER: Oh, 15th of December,
2 so written comments could be provided to you up until the
3 15th?

4 BOARDMEMBER WILKINS: Yes.

5 BOARDMEMBER ALEXANDER: And then the Record
6 of Decision period begins; is that right?

7 BOARDMEMBER WILKINS: That's correct.

8 FACILITATOR STEELE: Since I haven't
9 facilitated here before, I invite you to facilitate the
10 facilitator if that's needed. Hopefully, if won't, but
11 you never know.

12 So then, to begin with, approving the
13 proposed agenda, are there any additions to the agenda or
14 changes in the proposed agenda?

15 Did you want to add something, Bennett?

16 BOARDMEMBER HORENSTEIN: Well, what we talked
17 about last time at the end of this meeting voting on a
18 permanent facilitator now that we've had our selection so
19 we can have a permanent facilitator to assist us and grow
20 with us as a body. But I think maybe we'll put it on
21 there and see if at the end of the meeting we're up for
22 voting.

23 FACILITATOR LEVY: Any disagreement with
24 that?

25 BOARDMEMBER BAXTER: I'd like to point out

1 point and say, "Oh, it wasn't done by the bylaws, so it's
2 no good," and they can call into question everything that
3 you do.

4 BOARDMEMBER BAXTER: Maybe the Organizational
5 Committee can put together an amendment the next time, or
6 something to propose the next time to change the quorum.

7 BOARDMEMBER REINHARD: And maybe to address
8 the issue of people not showing up at the next meeting,
9 because mailing to people --

10 BOARDMEMBER HORENSTEIN: Tonight we're going
11 to take the recommendation of non-binding votes and
12 proceed?

13 BOARDMEMBER BAXTER: Yes.

14 BOARDMEMBER WILKINS: Okay. Let's roll with
15 that.

16 FACILITATOR STEELE: All right. Let's move
17 to old business then. The first issue is the distribution
18 of the minutes from last time. Are there any additions or
19 changes to those minutes?

20 BOARDMEMBER FUENTES: On Page 2 of the
21 minutes, I believe it doesn't reflect what is written in
22 the transcript about Senate Bill 1706. I think we need to
23 look back at the transcript and try to amend that in
24 accordance to the transcript.

25 BOARDMEMBER REINHARD: I agree.

1 that we don't have a quorum for voting purposes.

2 BOARDMEMBER WILKINS: Yes, that's a good
3 point. But I think the reality of this -- I mean, it's
4 pretty clear to me, I don't think we're ever going to get
5 a quorum, you know. So the thing -- that statements or
6 the guidance that we sort of agreed to in the charter --
7 and again, we also agreed that it's a living document -- I
8 suggest that we adjust this accordingly so that we can
9 take action and do it and make advice and move forward
10 with things with the people that we have here that are
11 participating. Because the reality of the matter is we're
12 never going to get a quorum as defined in our charter.

13 BOARDMEMBER HORENSTEIN: The quorum in the
14 charter states -- just for clarification -- 60 percent of
15 the community members, which means about 13 community
16 members to be present to have a charter -- quorum to vote
17 and conduct formal business; and tonight we do have some
18 voting scheduled. So are there thoughts of --

19 FACILITATOR STEELE: There are a couple ways
20 that you could work with that. One would be to take what
21 would be non-binding votes that you could then ratify when
22 you bring it up again when you have a full quorum; and you
23 also might want to then change the bylaws so that it would
24 be something that would work for you, rather than having a
25 set of bylaws that somebody then can come back at some

1 BOARDMEMBER HORENSTEIN: Where is that?

2 BOARDMEMBER FUENTES: At the bottom of the
3 page.

4 BOARDMEMBER WILKINS: Last four sentences.

5 FACILITATOR STEELE: Do you remember the
6 substance of that?

7 BOARDMEMBER FUENTES: Yeah. The substance of
8 that is Senate Bill 1706, its intent is to amend the
9 remedial action work plan and Remedial Action Plan with
10 regards to compliance to the Hazardous Waste Substance Act
11 which is found in Health and Safety Code of the State of
12 California; and it doesn't state anything about the
13 petroleum sites, and I think we established already that
14 all localized petroleum sites are excluded from this
15 Senate bill.

16 BOARDMEMBER REINHARD: We did?

17 BOARDMEMBER HORENSTEIN: Could we just modify
18 it, that sentence you just stated?

19 BOARDMEMBER REINHARD: Maybe just take out
20 the word "petroleum."

21 FACILITATOR STEELE: Would that take care of
22 it, of your objections?

23 BOARDMEMBER FUENTES: Yes, take out the
24 "petroleum."

25 FACILITATOR STEELE: Take out the word

1 "petroleum" then, okay. We'll vote on it all at once.
 2 Are there any other changes to the minutes?
 3 (No audible response.)
 4 FACILITATOR STEELE: Ready to approve the
 5 minutes as corrected?
 6 All in favor, raise your hands.
 7 All opposed, same.
 8 Okay, the minutes are approved as corrected.
 9 Selection of Michael Healy as secretary.
 10 BOARDMEMBER HORENSTEIN: I nominate Michael
 11 Healy as RAB Secretary.
 12 BOARDMEMBER BAXTER: I second.
 13 FACILITATOR LEVY: Okay, it's been seconded.
 14 Any discussion?
 15 All in favor, please raise your hand.
 16 All opposed.
 17 Congratulations.
 18 BOARDMEMBER REINHARD: Is this blinding?
 19 FACILITATOR STEELE: Okay. So again,
 20 anything, I assume, would need to be formally approved
 21 once you have a full quorum, so -- does that suit
 22 everybody, to go ahead and proceed as if this were a legal
 23 meeting, and then legalize it later? Okay.
 24 Letters to absentees.
 25 BOARDMEMBER WILKINS: I would just like to

1 BOARDMEMBER HORENSTEIN: And then it's a
 2 filling of the members that get excused, it's filling the
 3 vacant spots, because that's important. It needs to
 4 happen fairly --
 5 BOARDMEMBER REINHARD: And then if people
 6 want to join the RAB, that's the other side of the
 7 equation. But so far what we have is 100 percent and 30
 8 percent of those people don't show up. I mean we need to
 9 know about those people.
 10 BOARDMEMBER BALL: Should there be some kind
 11 of criteria that if you miss three in a row, we institute
 12 a policy where you do send out that letter automatically
 13 without --
 14 BOARDMEMBER WILKINS: Well, we've got that --
 15 yes, and that's what triggered it on my part. With the
 16 other people, when you look at their attendance record,
 17 you know, the three in a row wasn't always -- it was like
 18 two in a row, then they hit one, and they missed one; it
 19 may have seemed like they missed more, but it wasn't.
 20 So I'll double check those other names, Bob, to make
 21 sure.
 22 FACILITATOR STEELE: So I understand that
 23 it's time to nominate Community Co-chair; six-month time
 24 period has elapsed, and was the purpose just to have
 25 nominations tonight and then the voting later?

1 mention a couple things about that. There were a few
 2 individuals -- three individuals, it was Helen
 3 Marte-Bautista, J. Dennis Bonney and I think you,
 4 Larry, that we sent letters out to, and the letters
 5 basically said that if you want to continue to
 6 participate, please let us know, otherwise we would bring
 7 it forward to the RAB -- the Community Co-chairs would
 8 bring it forward to the RAB and recommend that you be
 9 terminated for lack of participation. But since you're
 10 here, that obviously answers your question; although I
 11 haven't heard from the other two people. I just wanted to
 12 mention that I did send those letters out and they still
 13 have until next week to respond back.
 14 BOARDMEMBER REINHARD: Well, you know this
 15 issue seems to become more important when we start talking
 16 about these percentages and a quorum, and especially since
 17 there are a few others besides the three that you just
 18 mentioned like -- I don't know if Carolyn Washington has
 19 been here for the last meetings, or Heidi Gewertz. And I
 20 think we should maybe send letters to them as well. And
 21 you know, in lieu of the charter being amended -- which
 22 itself is a painful process because you need two-thirds of
 23 everybody including those who aren't here -- we need to
 24 know who the members are and make sure that voting fits
 25 the numbers.

1 BOARDMEMBER WILKINS: The intention was to
 2 announce that the time was here for nominations. If
 3 anybody wants to make nominations, and the nominations
 4 could be for anybody, obviously any community member,
 5 including continuing Bob on as Community Co-chair, just
 6 send those in to me and we will fold that into the next
 7 RAB meeting next month and take a vote on it.
 8 BOARDMEMBER WORK: Just a question, I'm
 9 assuming that you're only going to want community
 10 representatives to nominate for Community Co-chair?
 11 BOARDMEMBER WILKINS: That's correct, and
 12 community members will vote to select that person.
 13 BOARDMEMBER WORK: In other words, I cannot
 14 nominate a Community Co-chair.
 15 BOARDMEMBER WILKINS: Right.
 16 BOARDMEMBER WORK: Okay, just for
 17 clarification. Thank you.
 18 FACILITATOR STEELE: Moving to presentations
 19 then, first, the brief on --
 20 BOARDMEMBER REINHARD: So we're not doing any
 21 nominations tonight; is that it?
 22 FACILITATOR STEELE: According to David, just
 23 people submitting them to him.
 24 BOARDMEMBER WILKINS: Yeah, just submitting
 25 names.

1 BOARDMEMBER STUHMILLER: By what time period?
 2 BOARDMEMBER WILKINS: For the next RAB.
 3 BOARDMEMBER STUHMILLER: Which is going to
 4 be January?
 5 BOARDMEMBER REINHARD: Well, then I would
 6 recommend -- again, since many people aren't here -- that
 7 Bennett and the Organizational Committee make an effort to
 8 mail something out to tell people who aren't here;
 9 because, again we're going to have this hole again.
 10 BOARDMEMBER WILKINS: Yeah. We're going to
 11 do that. I mean, that's going to be like a little more
 12 official than just putting it in the Adman notes on the
 13 bottom of the agenda; we'll make it more official.
 14 BOARDMEMBER HORENSTEIN: Now that we have a
 15 secretary, too, it will be an item in our minutes and will
 16 go out in the minutes.
 17 BOARDMEMBER BRAXTER: Can I ask -- so we will
 18 circulate the names to David, then you will circulate the
 19 names of them and we'll vote in January?
 20 BOARDMEMBER WILKINS: Right. It's just going
 21 to be part of the agenda items.
 22 FACILITATOR STEELE: Any other discussion on
 23 that?
 24 Okay. It looks like there are two
 25 presentations. We'll start with the November 30th RPM

1 above a regulatory limit, or a detection that wasn't
 2 defined well enough laterally and vertically so that we
 3 could do the feasibility study for the site; or there's
 4 also about a third of the sites maybe were requests that
 5 the Park Service had, that the Army look in areas where we
 6 hadn't done any sampling previously.
 7 So those were the basic objectives of the
 8 program. What we're trying to do is get the -- we're
 9 getting data back as we're doing those programs. A lot of
 10 the sites, we planned to -- if we had one detection, we
 11 planned to do four samples around that, and we're getting
 12 data back from the labs supposedly in 24 hours. It's not
 13 quite happening, but it's coming back much more quickly
 14 than it ever has before. And now we're making decisions
 15 based on those data about whether we need to do more
 16 laterally from these detections, or if we need to go
 17 deeper to find any contamination that we can find.
 18 These are tables from the tech memo that the
 19 members of the Main Installation Committee got; everyone
 20 else didn't get a copy of that. But these tables
 21 summarize all the sites that we're going to do work at
 22 during the program. And what we've done is just added
 23 these two columns on the right side that say "Comments"
 24 and "Action." We decided to do this after our first
 25 meeting on the 30th, we were presenting some data, we

1 meeting.
 2 MS. SOPHER: That's me. I don't have any
 3 formal presentation. I just wanted to go over this
 4 handout that you guys got, and let you know what the
 5 status of the sampling program is that we've been talking
 6 about for a while.
 7 We started sampling actually in October, and
 8 as you may have heard at the last meeting, our lab burned
 9 down with our groundwater samples in it. We resampled in
 10 November all the wells that we had done the previous
 11 month; and that was the first component of the sampling.
 12 We have another lab that also had their electricity go out
 13 in a flood, so we're a little concerned about our
 14 credibility with these labs.
 15 So the groundwater data is still coming in,
 16 and it put us little bit behind, because we had hoped to
 17 have all the groundwater data in before we started any of
 18 the soil sampling and other revisiting of areas from the
 19 RI.
 20 Just to remind you, this program was
 21 developed based on all the comments from the RI report
 22 that we've addressed over the last year or so. We
 23 resampled all the wells. Then at this point, we're going
 24 through additional sampling at about -- there's about 50
 25 sites, or 60, where either we had detections that were

1 decided we needed a format that summarized why we were at
 2 these sites so that people could refresh their memory as
 3 we're presenting data.
 4 So the first part are what we call the Phase
 5 Sampling Investigations, and those are sites where we had
 6 a detection and we had planned that program to define the
 7 lateral and vertical extent. A lot of the data has been
 8 collected. There's not comments and actions recommended
 9 in these because we don't have the full data sets back
 10 yet, and they're not all the way through our QC process.
 11 But to let you know, pretty much all the minimum sampling
 12 will be completed by next week probably. And then we'll
 13 be evaluating data and making decisions about whether we
 14 have to do more in certain areas; and we also need to
 15 install some groundwater wells and get them sampled in the
 16 next few weeks.
 17 So, just to let you know what kind of data
 18 we're getting back, if you look at the bottom of your
 19 first page, it says Page 1 of 6 on the Phase Program,
 20 there's a site -- Landfill 7, SB07, where we had a TPH
 21 detection of 380. In our review of potential TPH cleanup
 22 numbers, we decided that 300 is probably the lowest level
 23 that we would need to go to in the risk scenarios that
 24 we're looking at for these sites. And as you know -- you
 25 heard your Bridge District discussion, each site, you

1 would need to do -- you could do a risk assessment and
2 develop a cleanup level for any site; and they're doing
3 lead, but that goes for TPH too. But this is about -- we
4 figured that was conservative enough for us to get the RI
5 finished and go into the -- did I say 300? I meant 100 is
6 the level that we're using. 300 is the lead number,
7 sorry.

8 Anyway, we did four samples around that
9 original detection. If you look in the RI, there was no
10 detection at two feet in the sample at SB07. So we went
11 out from that site 20 feet in four directions; and the
12 grids are set up approximately with the -- parallel and
13 perpendicular to the groundwater flow direction as well as
14 we could do it.

15 We did four borings with two samples in each
16 one, and there were no detections above that 100 parts per
17 million, which was our sampling decision criteria for that
18 site.

19 BOARDMEMBER REINHARD: Has this TPH number
20 been approved?

21 MS. SOPHER: It's not a cleanup number at
22 this point -- yeah, they know that that's the number we're
23 using. In this case, actually -- well, the way we're
24 running the TPH tests, we're doing amino assay tests, and
25 they run a two-tier test, where they look at the sample

17

1 all these compounds. They don't generally evaluate it in
2 the risk assessment. But they do evaluate all the
3 components that we sample for in our VOC and SVOC, so it's
4 covered in the risk assessment in that way. But TPH
5 itself, which is a mixture of, you know, hundreds of
6 compounds isn't actually dealt with in the human health
7 risk assessment.

8 So anyway, then, based on those data, we
9 didn't see any detections. It was apparently a very
10 isolated location. We have 15 soil borings out in Grissy
11 Field. This was the only detection of TPH out there, and
12 so we've decided that no more work needs to be done in
13 that area. And then this data will go back into the RI
14 and the FS just with better definition now.

15 And then the bottom of the third page -- I
16 didn't get a chance. I was going to bold the ones that
17 you needed to look at, but basically anything with
18 comments or action listed are the ones that I'm just going
19 to summarize for you today.

20 293 was a test-side storage building. It's
21 about like 10 feet by 20 feet or so, in the DEH area, and
22 we had quite a few pesticide -- organic chlorine
23 pesticides detected in the surface soils around that
24 building. We did not, in the original work, take samples
25 at depth; although we do have a well right in front of the

19

1 with a detection limit of about 10, and then if they get a
2 detection of that, they do the next one, which is 100.
3 So you're basically just getting the bracket; you're
4 either getting greater than 10 or less than 100, or
5 greater than 100.

6 So for these sites where we're just
7 evaluating -- you know, the reason we're going back to
8 these is really to look at how big is the area; is it
9 isolated or not; and can we make an FS decision, or a
10 relatively good estimate of the size and the problem for
11 the FS.

12 So they're not cleanup numbers, and the
13 cleanup plan is a whole -- you know, that would be --

14 BOARDMEMBER REINHARD: I just asked because I
15 think TPH is a little bit unique. Because for the others,
16 you had reference to the PRG tables --

17 MS. SOPHER: Right. There are no --

18 BOARDMEMBER REINHARD: -- (inaudible) current
19 levels. And so that's why I asked in particular if Rich
20 had approved this.

21 MS. SOPHER: Yeah, the Water Board's reviewed
22 this stuff. TPH is a hard mixture of compounds to deal
23 with, because there aren't general regulatory numbers for
24 it; everything is very site-specific. And it's also not
25 driven by the risk assessment because it's a mixture of

18

1 building where we did not detect any pesticides.

2 So we went back closer to the original
3 detections, and there were no -- and we looked at arsenic
4 and antimony in those samples also, because those can be
5 components of pesticides that were used in the past.

6 And the Sampling Decision Criteria, which is
7 this acronym, for this was based on risk assessment.
8 Through the evaluation and development of the tech memo,
9 we had originally intended to use risk calculations
10 similar to those we used in the risk assessment and just
11 plug the numbers in as we got 'em, and sort of back
12 calculate if we were exceeding our 10 to minus 4 risk,
13 which is what we had used in the RI.

14 Through discussions with the regulators it
15 became clear that people weren't comfortable with that
16 approach, and so for those pesticides we used a PRG as a
17 screening level. They're based on human health risk
18 assessment, and they use a 10 to minus 6 risk level, which
19 is one in a million, and they're for residential soils.
20 So they're about -- they're very conservative scenarios.
21 And so that's what we're using as the screening level
22 here.

23 And again, it's not a cleanup level. It's
24 just a number so that we make sure we get enough data that
25 we cover the possibilities of what would happen in the

20

1 risk management decisions of the site.

2 BOARDMEMBER REINHARD: In the Issue column
3 for this study 293, where it says "Hazard Index equals 2,"
4 that means that -- the reason you decided to do more is
5 because the hazard Index previously had scored at least a
6 2; is that what you mean by that?

7 MS. SOPHER: Yeah. That's just a really
8 short summary of the issues there. Yeah, I think that was
9 based on chlordane or -- we actually had no detections of
10 pesticides except for one detection of chlordane in the
11 subsurface of this site, because it was mostly paved or
12 concrete on the surface, and nothing went through that
13 pavement.

14 BOARDMEMBER BALL: Could you repeat -- you
15 said that the sampling decision criteria you used was
16 these PRGs you talked about the proposed remedial goals
17 and those are EPA criteria -- EPA goals?

18 MS. SOPHER: Yeah, they're screening levels.

19 BOARDMEMBER BALL: And that's like CERCLA
20 type program, or where'd that come from?

21 BOARDMEMBER WORK: Actually it's a Region 9.
22 EPA Region 9 developed these PRG tables for a wide sweep
23 of contaminants using some very basic default assumptions
24 about pathways and exposure, and Elizabeth is right, they
25 are conservative.

21

1 MS. SOPHER: In that case, it's a
2 recommendation that's been given to the regulators. That
3 was our meeting on the 30th, and today we had one, and
4 we'll be having one in two weeks again. We make that
5 recommendation, we run it by people; we're actually not
6 getting sign-offs from people. There's just too many
7 people involved. You can't run a field program and get
8 ten people to concur on anything. So it's basically
9 informational. We have a very thorough process that we're
10 going through to make these decisions. And actually, at
11 the meeting we did bring -- we have folders for each site
12 that have all the data in them, and they have decision
13 diagrams to tell you how to look at the data; they have
14 forms to document what the data were, and you can check
15 the data against decision criteria that the detection
16 limits were appropriate and document what the thought
17 process is for making these decisions.

18 BOARDMEMBER HORENSTEIN: So the "Site closed"
19 means this is strictly your recommendation?

20 MS. SOPHER: We're having a phase 2 of
21 sampling at that site. It has nothing to do with cleanup
22 or anything; it just means we're not putting another ring
23 of samples around that site to delineate it anymore,
24 because there were no detections in the closer-in ring.
25 It's a sampling decision. Because the tech memo is set

23

1 MS. SOPHER: And they say all over then, "For
2 screening purposes only." And we're not making cleanup
3 decisions based on those; we're just trying to define the
4 extent of the problem and make sure we're sampling far
5 enough out that we can evaluate --

6 BOARDMEMBER WORK: And the tables are
7 available to anybody who want them.

8 BOARDMEMBER FUENTES: The beauty of that PRG,
9 I believe Cal EPA appropriated data already that use more
10 stringent parameters. So that -- you know, that PRGs
11 including Cal EPA and U.S. EPA.

12 BOARDMEMBER BAXTER: One thing about those,
13 though, is that they're only for human health and they
14 don't tell you the risks to the environment or to the
15 water quality.

16 MS. SOPHER: Right. These data do, though,
17 go through the whole RI, and this sampling program doesn't
18 screen anything out; it's just filling in some gaps, and
19 so it will go through the regular review and evaluation
20 process still, where you look at threat to groundwater
21 and ecological risk assessment.

22 BOARDMEMBER BAXTER: Elizabeth, one question
23 just for clarification: where you put down "Action," and
24 you say "Site closed," is that action by the Army, or is
25 that action by the Army plus the regulators?

22

1 up, you know, that we can do -- if we start with four
2 samples and we get a hit here, then we do a grid around
3 that one, and -- so it's just a sampling decision.

4 I think the next sites are on the table that
5 says 3 at the top. I was working on these tables today so
6 the tables are a little messed up, and this one actually
7 has three pages, but it says there's only two; it says
8 "Page 3 of 2 on here," but we'll fix that.

9 This basically goes through some issues that
10 are coming up in installing wells, and we've run into
11 these same issues at many sites at the Presidio, and we
12 had a long discussion today, and we're still discussing in
13 a couple areas issues that come up when we install wells
14 are -- the reason we're installing wells in most cases is
15 to monitor whether there's any waste coming out of a
16 landfill or another kind of contaminated area. The way a
17 lot of our sites are set up at the Presidio, the geology
18 is not necessarily consistent from above the site to below
19 the site, so the upgradient wells are not necessarily in
20 the same formation that the downgradient wells are. So we
21 have to make decisions when we drill at these areas and
22 look at the geology and where the water's present to set
23 the well screens.

24 And so we had a long talk about the Nike
25 today, and that's -- we're trying -- at the Nike, the idea

24

1 was to put wells close to the silos. We had sampled
2 surface water in the silos before and had a detection --
3 or a couple detections of antimony in the water. We
4 hadn't seen that in the one downgradient well that was
5 there, so -- and there's a lot of question about whether
6 all that water that's in the silos is actually rain water,
7 or is it infiltration from the ground. So we're trying to
8 get at -- to see whether there's a way to compare the
9 chemistry in the groundwater to the chemistry in the
10 surface water and see if they're the same or not.

11 The way it turns out, the Nike is an area
12 that was cut and filled. The water bearing zone there is
13 inconsistent because of the filling activities, and also
14 just the way the water's generally present in a pretty bad
15 water bearing zone which is at the top of the
16 serpentinite; so there's not a good consistent water
17 bearing zone. We will be able to put the wells in right
18 next to the silos. We're not going to be able to probably
19 get a great gradient map from this because the flow
20 direction is really controlled by the bedrock surface
21 there. But we're getting the wells as close as we can to
22 the silos, and Rich is going to come out tomorrow, we're
23 going to talk about the Nike again, because the upgradient
24 well is going to be in the dune sand rather than in the
25 serpentinite aquifer where the downgradient wells are.

1 Suppose you install these wells in these locations that
2 you're making these difficult decisions about, and suppose
3 your downgradient well shows a concentration higher than
4 your upgradient well, does that mean that the automatic
5 interpretive conclusion still holds, or that --

6 MS. SOPHER: That the landfill is releasing?

7 BOARDMEMBER REINHARD: Yeah, or is there some
8 interpretive nuance that affects that, and what is it and
9 how would you --

10 MS. SOPHER: The biggest interpretation's
11 really in the inorganic data that we're looking at, the
12 metals. And that's where we get into these long
13 discussions about whether the -- say the upgradient well
14 is in, say, dune sand, and our downgradient well is in
15 serpentinite, we have very different chemistry for the
16 water-bearing zone there.

17 And what we've seen in the past is that in
18 some of those downgradient wells that -- or in some of the
19 wells that are set in this serpentinite unit, we get a lot
20 of chromium that's generally associated with unfiltered
21 sample, so that there's a lot of articulate material in
22 those samples.

23 So, no, you have to look at the picture, and
24 we do a cross-section and look at the lithology in each --
25 in the upgradient and the downgradient well, and try to

1 So we just want to go over that with him again.

2 And, you know, you decide where to put your
3 well based on where you find water in your bore hole. And
4 so that's just what the bore holes are looking like, and
5 you can't put a well in a dry zone. So we're making
6 decisions like that right now, trying to figure out where
7 the best locations for these wells are, to try to get the
8 most information we can.

9 If you look down the page, Landfill 5 and
10 Landfill 2, those are two areas where we may need to have
11 wells because those are fill sites or landfills. In those
12 areas, actually, the biggest problem is that access to the
13 downgradient area is limited by sensitive species, and
14 we've been working with the Park Service on making some
15 decisions about should we go in those areas; and the
16 regulatory agencies are thinking about if the wells are
17 more important than the species. And so Rich is also
18 coming to look at those tomorrow, and we've been working
19 with the Park Service to try to figure out if there's a
20 way to try to minimize the damage to those, yet still get
21 the data that we need.

22 Those two sites, Landfills 2 and 5, are also
23 fill areas that are on serpentinite slopes and there's
24 very little groundwater in the area anyway. Yeah.

25 BOARDMEMBER REINHARD: I have a question.

1 see if there's any reason based on just the wells
2 themselves that we could be having detections in a
3 downgradient well. We haven't seen it, but generally if
4 you start seeing solvents or something downgradient of a
5 landfill -- not that we've seen that -- but you know, an
6 organic material that's not generally known to be present
7 in the environment is a different story. The organics are
8 much harder to interpret. So we have to think about what
9 the potential sources are for the inorganic -- you know,
10 would there be other reasons for those to be present other
11 than a release from the landfill.

12 BOARDMEMBER BAXTER: I think the one thing it
13 does do is it's much less clear-cut, when you don't have
14 the two wells in the same formation, and it can be usually
15 argued from one side or the other almost endlessly.

16 MS. SOPHER: I think I've been there. Well,
17 the problem is you just can't put a well in if there's no
18 water. I mean, you know, you just can't put it there.
19 The groundwater's where it is and it's recharging, you
20 know, from up these hills and going down these
21 serpentinite slopes, and it may or may not be present in
22 the same -- just may not have that same formation down the
23 hill as you have up the hill. So there's not too many
24 options basically.

25 So those are some of the other problems

1 there. It looks like -- well, we'll be working with the
2 Water Board and Park Service to decide whether they want
3 to -- at Landfill 2, we do have two wells that are down at
4 the bottom of the slope there, and I'm told it's been very
5 good sampling. So there -- I mean, my feeling is, if we
6 can't get in that area, those wells aren't optimal because
7 they're not -- they're about 400 feet downhill from the
8 landfill. But if we can't get in there -- and the access
9 is also really horrible. It's really steep. The driller
10 said they may be able to come in from the top, but they
11 don't think they can get out that way, so they would need
12 to go out through a serpentine area.

13 And Landfill 5, we just need to talk to them
14 about whether or not those wells are going to be installed
15 or not.

16 The other ones on there, Landfill 1, we did
17 put an upgradient well in that location. That area, we
18 have, I think, seven wells now, and when we first got to
19 the site, we thought that the gradient would be based on
20 the topography at the site, and we set up our well
21 locations based on that. When we looked at the data, it's
22 actually flowing more to the north -- yeah, north from
23 there, rather than down into (inaudible). So this well is
24 just a better upgradient location. So that has been
25 installed and we'll be developing the samples now.

1 dropped an auger back in the hole and now (inaudible)
2 broke the screen. We just figured that out today. So
3 they'll be replacing that tomorrow apparently. It's
4 always something.

5 So that's the well story. We do have full
6 data sets back on a few of the Park Service sites, which
7 is the last table you have. Again, this just lists the
8 site and why we went to it, and Building 267 is a wash
9 rack in the DEN area. There was actually impromptu
10 draining installed in that area. There was a pipe going
11 through a five-foot wall, and there had been water
12 collecting in that area, and the Park Service asked us to
13 drill a boring under the concrete there just to see if
14 there had been seepage or any wash rack waste water, and
15 there were no detections in that area. So we won't be
16 doing more sampling there.

17 Building 287, which is actually two lines on
18 Page 2 there; there's one for soil and one for
19 groundwater. But there were no detections above that 100
20 parts per million in the soil, and the groundwater were
21 non-detect. TPH -- gasoline and TPH diesel were not
22 detected in that groundwater.

23 BOARDMEMBER BAXTER: You had a 50 parts per
24 million on the groundwater, or is that a typo?

25 MS. SOPHER: 50? Yeah, that's a standard TPH

1 Landfill E, we had put in some what we call
2 mini wells in these areas because we weren't sure whether
3 there was going to be water present all the time. So
4 they're just dry points that we leave in the ground with a
5 tube attached to them, and rather than leaving a drilling
6 rig sitting there overnight waiting to see if there's
7 water in these holes, we just leave this mini well in;
8 it's a stainless steel dry point. You can just abandon
9 them by pulling the tubing out and leave the stainless
10 steel in the ground.

11 At Landfill E, there's a lot of water there,
12 so a downgradient well was installed today and we'll be
13 installing that upgradient well and an additional
14 downgradient well tomorrow.

15 And then Landfill 4, we're still waiting to
16 see if water's going to come into those holes. Actually,
17 what happened was we had a rig under -- in the
18 downgradient area of Landfill 4. They put a piezometer in
19 that hole because they couldn't -- the problem with mini
20 wells is they're not officially constructed wells, and
21 when there's a lot of water from rain and other just
22 recent moisture, it tends to seep down the walls of those
23 things and there is water in there no matter what. And so
24 there, they actually constructed a piezometer, and while
25 the drillers were pulling their augers out, they actually

1 detection. Actually, the reason it says "verifying
2 detection limits" is because contractually they were
3 supposed to -- for TPH gas, the detection limit is
4 supposed to be 10 -- all the quarterly sampling, we use 50
5 for both TPH gas and diesel.

6 BOARDMEMBER BAXTER: You're talking PPB?

7 MS. SOPHER: Yeah. I'm sorry, I used the
8 wrong units on that water sample. Sorry. Yeah, it's 50
9 micrograms per liter that should say. But actually, the
10 lab will start reporting data at 10 for gas.

11 BOARDMEMBER BAXTER: Okay. What was the
12 depth to water at this location -- these locations that
13 you tested?

14 MS. SOPHER: This one is about -- the
15 sample's taken at ten feet I think.

16 BOARDMEMBER BAXTER: On the Building 287, you
17 took the sample at ten feet?

18 MS. SOPHER: Yes.

19 BOARDMEMBER BAXTER: You said it's less than
20 100 and a half at five?

21 MS. SOPHER: Uh-huh.

22 BOARDMEMBER BAXTER: Was it less than a 100
23 at 10, or are you saying that the water's at 10?

24 MS. SOPHER: They just took the five and ten
25 and drove down a couple more feet into the water and

1 pulled the hydroplunge sample. So there's two soil
2 samples and the groundwater sample there.

3 BOARDMEMBER BAXTER: So your groundwater's
4 about seven feet there?

5 MS. SOPHER: Somewhere right around there.
6 The drive point -- actually, there's a screen on the
7 hydromunch sampler, so --

8 BOARDMEMBER BAXTER: Okay.

9 MS. SOPHER: 1151, the only change in plan
10 from the original program is listed there. This is a
11 small shed. I think it's -- I don't know -- five-foot by
12 five-foot shed that had some cleaning equipment in it and
13 some paint, and it had no floor on it. We were actually
14 out there looking at the transformer pad, which was the
15 original RI site there, and we turned and said, "Oh,
16 what's in this shed?" and we opened it up and there's a
17 whole bunch of stuff in there.

18 We originally planned to take two samples
19 there. There's a water line that runs directly under the
20 building; there's a gasoline line about two feet over, and
21 there's an electrical line about three feet on the other
22 side; so they're only going to get two samples there
23 instead of three. But that should cover that area.

24 We're working with the Park Service, on the
25 next page, for building 1244. This building has -- one

1 using. They had temporary diesel and gasoline tanks
2 stored in there, and they were very untidy people, and
3 there was stains on the pavement from what they were
4 doing, and their tanks were not bermed or on liners or
5 anything.

6 And so we went and took six bores in that --
7 did six bores in the parking lot. There's samples that --
8 just below the pavement, which is about half a foot, five
9 feet and ten feet in that area. There were two detections
10 that were above 100, but both were right below the
11 pavement, and there was nothing in the borings below
12 there. So we would say that's defined basically.

13 MR. HENDERSON: Six inches below the
14 pavement, keep in mind that's probably primecoat they put
15 down when they did the asphalt.

16 MS. SOPHER: Yeah. We've been reminding
17 people not to get the bottom of the asphalt when they did
18 their samplings, but --

19 MR. HENDERSON: Yeah, it's hard.

20 MS. SOPHER: Yeah. There were no other detections
21 greater than 100 anywhere. So we won't be doing any
22 more --

23 BOARDMEMBER BAXTER: What's the depth of
24 water there?

25 MS. SOPHER: That's just upgradient actually

1 piece of the concrete floor is cut; there's actually
2 gravel in it. We don't know what the origin of the trench
3 is. So we proposed a sample. And when we went back in to
4 actually do the utility clearances by that building, the
5 place has about a thousand government desks in it and cars
6 from the Maritime Museum that are not currently on the
7 ship they're supposed to be on in the bay. And so we're
8 working to resolve that.

9 The options were actually to sample right
10 next to the trench with the hand auger, or get the cars
11 and desks moved.

12 BOARDMEMBER BLANK: We are working on getting
13 the desks moved, I heard today --

14 MS. SOPHER: I heard the message, actually,
15 and I called someone back, but it was too late.

16 BOARDMEMBER BLANK: And John talked to the
17 Maritime people and they said that they'd move the cars,
18 so I think we're going to go for sampling in the trench.

19 MS. SOPHER: These are like 1930s cars that
20 are up on blocks, and it's going to be a big production.
21 And the geoprobe will probably be in and out of there in
22 20 minutes, but -- it will be a production.

23 Then just I think two more sites, on Page 4
24 of your List, Building 1388 is a site that the water --
25 the contractors that are doing the water line work were

1 from Battery Howe/Wagner where we don't have any
2 groundwater except at the bottom ten, and that's at about
3 20 feet -- it would be at least 20 feet, and I think you
4 would hit serpentinite before you got there because --

5 BOARDMEMBER BAXTER: So the water's not at
6 all close to what's there?

7 MS. SOPHER: No.

8 BOARDMEMBER HORENSTEIN: So here you've got
9 two detections greater than that hundred limit and it's
10 still a closed site?

11 MS. SOPHER: Because we have two samples under
12 each of those. Those are at .5 feet. The five-foot
13 sample is clean, and the ten-foot sample is clean in both
14 of these. And the idea was to go in and see if there was
15 a problem there. In these areas, if the problem isn't
16 more than 5 -- I mean, these data go into the FS and the
17 RI, and if they feel like they need to clean that area up
18 based on the ARARs and the risks that these pose, they
19 will do that.

20 However, this is just an area where we were
21 concerned with surface staining and surface spills, and so
22 we have the data that shows that, yeah, there maybe
23 something in two locations out of six right at the
24 surface, but it's not descending down below the pavement.

25 So that was the objective on the sampling

1 there.

2 MR. HENDERSON: Was that TPH extractable or
3 purgable hit?

4 MS. SOPHER: That's amino assay.

5 MR. HENDERSON: Oh, okay. So extractable.

6 MS. SOPHER: Yeah. They had a diesel tank
7 that was the biggest problem at that site.

8 1750 -- and actually, we forgot to talk about
9 this this morning, but we did the soil gas survey at
10 Building 1750, which is the old National Guard area in the
11 southwest corner of the base. We did 20 soil gas samples
12 with two depths in each, and I think it was five -- I
13 can't remember the depths. I think it was about three
14 feet and ten feet there; so a shallow and a deeper sample.

15 There were no detections in I think 18 of
16 those 20. In one corner of the parking lot, there was a
17 detection that the soil gas lab could not identify the
18 peaks that they saw on their sampling equipment, so they
19 actually took a sample of the air out of that hole and
20 took it back to their lab and they're working on trying to
21 identify what that is. And so once we find out what that
22 is, we may need to go put a boring in that area.

23 Soil gas data's used as a screening tool
24 also to see -- if you have problems with solvents or other
25 volatile compounds that could have come from maintenance

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1 couldn't verify how far the fill went outside the parking
2 lot area.

3 When we went in, we put four rows of borings
4 there and just looked at the lithology, and there's
5 basically no fill -- no construction rubble or anything in
6 that area. So apparently the fill area is contained to
7 that parking lot itself.

8 Does anyone have any questions or comments?

9 We are having another meeting -- can I tell
10 them about your meeting, Jan?

11 BOARDMEMBER BAXTER: Please.

12 MS. SOPHER: We're having another meeting with
13 the Main Installation Committee next Tuesday to go over
14 some -- if you have questions about why we're doing what
15 we're doing, or going over the results of the existing RI
16 report and summary of what we're doing in the field and
17 why and how, next Tuesday night. So I guess if you have
18 other questions, that would be a good time -- we're going
19 to just work through stuff. That's in Dave's office.

20 BOARDMEMBER BAXTER: The question I have,
21 Elizabeth is: Where does this work that you've been doing
22 fit with the report that we were going to be talking about
23 at the Main Installation Committee and some people will be
24 reviewing?

25 MS. SOPHER: This is the sampling that's

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1 activities, which is what has occurred in this area, you
2 sometimes get an indication of that from soil vapors that
3 are present.

4 So the soil gas rig just -- they extract the
5 air and run it through a gas chromatograph in their lab;
6 they have a lab in their truck, and they look at the soil
7 gas. And it's a little bit -- it can be more
8 representative than just poking borings around, because it
9 can give you an indication of a problem that may cover --
10 the soil gas may be from a wider area than you can get
11 with a bore hole and actually taking soil samples. We
12 didn't know exactly where the maintenance activities
13 occurred in this yard because it was historical
14 maintenance activities and it's been paved over and
15 buildings built since then. So we chose to use soil gas
16 there.

17 And then Fill Site 6, one of the other things
18 was to try to define -- it's the last row. We tried to --
19 we did some borings in the middle of the parking lot at
20 Fill Site 6. It was the old women's barracks area. There
21 was a building present on the site, and through aerial
22 photos you can see that they demolished the building, and
23 the historical data indicated that they had buried the
24 construction rubble at that site. We did see construction
25 material in the initial borings that we did, but we

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1 proposed in that plan.

2 BOARDMEMBER BAXTER: And you've gone ahead
3 and started it?

4 MS. SOPHER: Yes. And the copies for the
5 Main Installation Committee, I had handed out a summary of
6 that. The full copies are in a box over there, and
7 brought up different -- the volume that actually goes
8 through all the sampling that's planned.

9 BOARDMEMBER REINHARD: And I just want to
10 bring out this, the way I thought of this Main
11 Installation Committee meeting is that -- remember, these
12 are supplemental sampling results, and we need to make
13 sure how we understand they fit in with the results that
14 have already been collected, you know, and make sure we
15 have a whole picture of the complete RI investigation;
16 and so this meeting is a good way to start that.

17 It's not easy material -- for me anyway --
18 and there's a lot of it, and it's just something I think
19 we need to have under our belts. And it fits in, I think,
20 with the Park Service outline of -- issues of priority
21 that we should start thinking about.

22 BOARDMEMBER BAXTER: Would there still be
23 time, Elizabeth, to modify the Supplemental Sampling Plan
24 based on comments from the RAB, or is it pretty much
25 (inaudible)?

40

1 MS. SOPHER: You know, these are based on all
2 the regulatory agency comments, so I don't really see -- I
3 mean, if there's an issue of whether or not we should have
4 done more sampling at a site, you know, we can talk about
5 that. At this point, though, this tech memo also was
6 approved by the regulatory agency; so if you have a big
7 issue, you know, let us know what it is. But, you know,
8 the sampling was actually set up by the Army and then
9 approved, so probably not. I mean, we can listen to what
10 the issues are and see if we're covering them in any way,
11 but --

12 FACILITATOR STEELE: Any other questions or
13 comments?

14 BOARDMEMBER REINHARD: Just a quick comment
15 on your "probably not." I don't know if that's really
16 appropriate. We are an advisory board and I think if we
17 do have a comment, they may well be received.

18 MS. SOPHER: Yeah. I'm just -- you know, the
19 reality of the -- you know, the scope of the work is set
20 by the Army and contracted to us, and there's
21 definitely -- you know, there could be more sampling going
22 on. Comments are always listened to. It's just that at
23 this stage in collecting these particular samples, I
24 think -- I mean, changing a sampling criteria or issues
25 with the lab contract at this point is -- you know, may

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1 we're RAB members, it doesn't limit us to whom we're
2 talking to about our opinions about whether or not the
3 sampling's adequate and that the sweep of samplings is
4 adequate and that sort of thing. So if the regulators
5 have signed off on a particular program, it doesn't mean
6 that the regulators aren't necessarily open to other
7 comments and the RAB members directly. And of course, RAB
8 members can always revisit their opinions. And so I think
9 that's far from closed; I think that the conversation can
10 continue.

11 MS. SOPHER: Yeah. I just meant as far as
12 logistically, we're right, you know, in the middle of a
13 field effort that's been scoped and stuff.

14 BOARDMEMBER BAXTER: You might want to
15 explain a little bit about the lead time that's necessary,
16 and that even if you can't change this particular plan, it
17 doesn't mean you can't make plans down the road.

18 BOARDMEMBER BLANK: Well, part of the goal, I
19 would think, of the committee meeting would be to really
20 fully come to an understanding of it such that when
21 Elizabeth goes over the results from the data, that people
22 are able to think about that and make comments on it, and
23 are more familiar with it than they might be otherwise.
24 And then when the RI report comes out in April or March,
25 that people will be up to speed and be able to really look

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1 not happen. But the comments are -- and eventually the
2 RI -- you know, goes into the public comment phase with
3 the RAP and the ROD.

4 BOARDMEMBER FUENTES: Elizabeth, you might
5 want to mention that there's going to be another meeting
6 on the 20th of December to discuss the follow-on
7 investigation.

8 MS. SOPHER: Project managers meeting.

9 BOARDMEMBER FUENTES: Right. And I believe
10 the RAB members are invited to attend that meeting too.

11 MS. SOPHER: I thought they were sending
12 one --

13 BOARDMEMBER REINHARD: Right, we are sending
14 one person. But, also on the 13th, I thought we were
15 going hear more from you about how --

16 MS. SOPHER: Yeah, I'll give you another
17 update next week. I don't really have anything planned,
18 except I'll just bring these tables that will be updated.
19 So I'm not planning a presentation or anything. I just
20 figured you would figure out how you wanted to do that.

21 BOARDMEMBER REINHARD: I think it's pretty
22 loose. It's for us to go through, with your guidance --

23 MS. SOPHER: Okay. Yeah, that's fine.

24 BOARDMEMBER BLOOM: I just wanted to make the
25 point that it's not always -- I mean, despite the fact

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1 at that and see how the results are presented and the data
2 analyzed, and be able to provide input at that time. I
3 mean, it's kind of a way to keep up to speed on the whole
4 investigation that's going on.

5 BOARDMEMBER BAXTER: One thing we might want
6 to know then -- because if we have been operating under
7 the assumption that we have the 60 days upon which to
8 comment on a document or something before it's finalized;
9 if that's not the case, if we need to get comments in
10 sooner than that, I think the RAB should be told of
11 deadlines for comments to be considered for a specific
12 document. So I'd like to know how we're going to plan on
13 having that happen with upcoming documents.

14 MS. SOPHER: I don't know about a 60 day -- I
15 mean, we asked them for a really quick turnaround on this
16 program because we were trying to really push it, and so I
17 don't know if Dave could --

18 BOARDMEMBER WILKINS: My only comment is how
19 long ago was it that we distributed information with
20 regard to this tech memo and you gave a presentation about
21 that?

22 MS. SOPHER: We started working on -- I mean,
23 we've been presenting stuff to the regulators, and I'm not
24 sure when we did the RAB --

25 BOARDMEMBER WILKINS: When we did it here to

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1 the RAB, that was over a month ago. So, I mean, as far as
2 I'm concerned, people have had an opportunity to provide
3 to that document since August.

4 BOARDMEMBER BAXTER: Nobody at the RAB saw
5 the document in August, so we couldn't very well comment
6 on it.

7 BOARDMEMBER WILKINS: We've been talking
8 about it, because you've been asking about it.

9 MS. SOPHER: We actually handed out those
10 summaries to the committee members --

11 BOARDMEMBER WILKINS: That's right.

12 MS. SOPHER: -- well, we didn't get the -- I
13 mean, the tech memo wasn't completed until about --

14 BOARDMEMBER WILKINS: Yeah, end of September,
15 middle of October.

16 MS. SOPHER: -- middle of October actually.

17 BOARDMEMBER HORENSTEIN: We didn't see it
18 until it was completed.

19 MS. SOPHER: Right.

20 BOARDMEMBER HORENSTEIN: The RAB didn't --
21 the same as the regulators -- didn't see it in draft form,
22 or wasn't invited to comment on it in draft form, as other
23 kind of public comment period. We were just presented
24 with the document for information.

25 MS. SOPHER: Right. I mean, a work plan

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1 things that are coming up in the future, you know, on the
2 agenda, we have these -- the bioventing treatability study
3 we're planning, those are 16, 17 separate actions, and
4 those are -- I mean, I sort of assumed that we're getting
5 them at the same time that everyone's getting them, right?
6 I mean, they haven't got any of these out yet. And so --

7 MS. SOPHER: That's a Roger and Brad
8 question.

9 BOARDMEMBER REINHARD: And so those are two
10 upcoming documents that we, like the regulators, should,
11 you know, look at and pay attention to. I kind of agree,
12 I guess, with Elizabeth, that this particular one RI
13 sampling is such a longstanding issue. First of all, the
14 main RI is something that TRC looked at, and as a result
15 of all those comments, that this whole thing was
16 developed; maybe not the final detail. Like this didn't
17 come out until later, but I thought that there had been a
18 lot of review of it and that it did take account of a lot
19 of the comments on the RI.

20 BOARDMEMBER BAXTER: It isn't so much
21 specifically this document; just the fact a lot of people
22 didn't realize that this is a much shorter turnaround and
23 if they wanted to have an impact on it, they should have
24 gotten their comments in a month ago, and they didn't know
25 that. That's the issue.

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1 doesn't really have an official -- I mean, we try to get
2 information out as we're developing it. John kept
3 telling -- you know, he would give people information that
4 we're -- the contracts were not until the end of
5 September. We tried to get in the field in November, and
6 so we were trying to turn around work really fast and
7 these were based on those -- you know, we started giving
8 the regulators information about the types of sites we
9 were going to include and how we were going to address
10 those in about May. So, I mean, there's been a lot of
11 discussion about this. The actual documents weren't
12 completed until after a contract was issued in September.

13 Yeah, it's been a really short time frame and
14 we're trying to keep you as informed as we can on what's
15 going on.

16 BOARDMEMBER BAXTER: The issue really is: If
17 there is a short time and a date by which we have to have
18 comments in to have them incorporated, then I think we
19 should be told up front that there's a certain date, not
20 have a date like it's going along the normal track.

21 BOARDMEMBER BLOOM: Well, it's sort of not
22 really consistent with the RAB guidance, though,
23 (Inaudible) so I don't see why you should be complying
24 with those guidances.

25 BOARDMEMBER REINHARD: Well, as an example of

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1 BOARDMEMBER REINHARD: Right. And all I'm
2 emphasizing is that for the next two documents, now we
3 have that opportunity for these two, Building 637 and 332.

4 BOARDMEMBER BAXTER: Right. Is there any
5 reason that those will have to have a short comment
6 period, Roger?

7 MR. HENDERSON: Well, certainly, the draft
8 Building 637 site investigation aquifer test report,
9 that's just sort of a summary of what was done and all the
10 data. So that's already done. There's nothing that can
11 be changed on that. Building 332 bioventing treatability
12 work plan --

13 BOARDMEMBER REINHARD: I think they're
14 anxious to do that.

15 MR. HENDERSON: Yes. If there are
16 substantial comments, or comments, we would like those as
17 soon as possible.

18 BOARDMEMBER WILKINS: Three January is the
19 final date.

20 MR. HENDERSON: Okay.

21 FACILITATOR STEELE: Does that conclude the
22 discussion for this issue?

23 All right. Let's take a break.

24 FACILITATOR STEELE: Okay. We'll hear now
25 about the Corrective Action Plan for the 637 area.

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1 MR. HENDERSON: This is sort of a carryover
2 from the last RAB that we had, where I did a rather
3 impromptu treatment of the -- what we actually have out at
4 the Building 637 POL area. So what I'd like to do is,
5 since we're going to be talking about that area somewhat
6 more tonight, especially we're going to be talking about
7 our proposed options for our Corrective Action Plan at
8 this site, I think what I want to do is -- I think a lot
9 of you weren't there anyway, so I'll go over it very, very
10 quickly. And keep in mind that this Corrective Action
11 Plan report will probably be out -- actually, you see it
12 in your agenda tonight as one of these reports due out. I
13 encourage all of you to read it. It makes very good
14 reading.

15 Okay, Building 637, for those of you that
16 don't know, was basically nothing more than a big gas
17 station, all right; it was not a manufacturing plant; it
18 was not a weapons range; it was a gasoline station. They
19 basically stored a great deal of diesel fuel there,
20 gasoline and jet fuel in that area that used to be an
21 airfield.

22 About 1989, when the earthquake struck, we
23 had some lines rupture, and the tanks were, at that time,
24 shut down; the whole system was shut down. And last year
25 we went back and took all the tanks out; we took all the

1 between one-foot to maybe two-feet thick; and it may pinch
2 out and it gets closer -- pinching out, I mean it just
3 kind of goes -- gets real then over here next to the slope
4 over here.

5 Below that we have a much larger water
6 bearing zone, which we've labeled the A-2 zone, and that's
7 about ten feet thick. And then below that there's also a
8 much, much thicker, and a much more impermeable zone again
9 which is a little bit clayier than the stuff that's a
10 little finer silt.

11 And then below that we have another water
12 bearing zone which is about 40-feet thick which we've
13 labeled the B-zone.

14 Now, when the tank ruptured, or when the
15 lines ruptured, there was a great deal of free product
16 that was kind of spilled on the site. Much of that was
17 taken out when we took the tanks out, but there's still
18 some left.

19 And what I want to do is we'll start with
20 kind of what we've found up in this zone up here which is
21 just the soil, okay. So if you take a look at this, and
22 kind of get yourself as high as possible. What I want to
23 show you is: Here's where the old tanks were right here.
24 This is our gas station essentially. This all was taken
25 out last year. This was the fueling islands and all the

1 underground piping out, and we took out a fairly
2 substantial portion of soil directly under the tanks and
3 the lines.

4 In the meantime, we spent probably a good
5 two years studying this site in depth, which is a lot more
6 than most gasoline stations get for study, and our
7 findings have shown kind of a -- given us a real good hint
8 of what's underneath this area. What I want to kind of do
9 is what I did in the last meeting; I'll be real quick. In
10 order for you to understand the overheads that I have and
11 I'm going to show you tonight, I need to kind of let you
12 know where our water bearing zones are, what they're
13 called and where most of the stuff is.

14 If we start at Building 637, it's along
15 Crissy Field area. It's a relatively flat area. It
16 borders basically a slope that goes up (inaudible). If
17 this is the ground surface here, you go down about four
18 feet, which is kind of backfill, sandy soil, and you'll
19 hit the first water bearing zone, and we've labeled that
20 A-1, okay. This water bearing unit here is about four
21 feet thick, so it's a very shallow, very thin one.

22 Underneath that, there's what we call a
23 confining layer. All this is is a zone of soil that's
24 less permeable than this zone up here. It's like clays
25 and silts. This is a fairly thin zone here. It ranges

1 pipelines, and there was an oil-water unit here, and there
2 was a vapor recovery tank that we took out here. What we
3 found, as a result of a great deal of soil sampling in the
4 area, is we have some -- what we might want to call
5 splotches of soil that've got -- what we call TPH
6 extractable. And basically what that is is like a diesel
7 fuel, okay. And this is probably the worst part of it.
8 So we've got an area here, which as you can see up here,
9 is greater than a thousand parts per million.

10 And then around that we've got somewhat less
11 than that, you know, between 500 and a thousand. And as
12 you go out here, you can see we've got some zones here of
13 between a hundred and 500. This kind of a shape like that
14 is probably not like that, but when you do soil sampling
15 and you get hits and you don't get hits, when you draw the
16 contour lines, you get something real funny like this. So
17 it's unlikely there's this plume that's going like that,
18 okay. It's just the way that these things get shaped.

19 So it's fairly easy to see from this that
20 we've got a couple real hot spots. One's right here and
21 certainly one is right here; and then these are much, much
22 more -- it's a great deal less there. It's only like
23 between a hundred and 500.

24 The other thing I'd like to show you is that
25 during our study, as we have, what I like to call cast our

1 net out to see what's out there, we're picking up other
 2 areas -- TPH areas, and it's our contention that those
 3 don't belong to the 637 site. They're out there. We're
 4 not saying that they're not there, but we don't think they
 5 have anything to do with what happened at the Building 637
 6 site. So as we go along, you'll see that we'll probably
 7 exclude those areas. And that's not to say that we're not
 8 going to do anything there. It's saying we're probably
 9 not going to do anything there with the Building 637
 10 cleanup. What we want to do is confine what we're doing in
 11 the Corrective Action Plan to the Building 637 site. If
 12 we find more things out there, they'll probably be handled
 13 under John Buck's program, or they'll be handled under
 14 the Army Corps' program.

15 But one of the problems is, when you start
 16 finding little isolated sources like that, number one,
 17 it's very hard to find out where the source was, and
 18 secondly, it slows everything else down. Because if I
 19 have to go out any farther than that, that means I can't
 20 do anything here, and so that basically just drags this
 21 whole system out.

22 So basically, to recap what you're seeing
 23 here then is kind of diesel fuels in this area, okay;
 24 that's in the soil.

25 So from there, what I'd like to show you

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1 MR. HENDERSON: Yeah, I'll get into that as
 2 soon as I show you what our options are. What I want to
 3 do is explain kind of where we think everything is and
 4 then we'll get into our options.

5 So the thing we need to do now is, when
 6 you're analyzing gasoline sites, whether it's been spills,
 7 gasoline spills or diesel, you have to analyze them
 8 differently. So basically what I'm going to be calling
 9 this is the TPH -- this is like gasoline. This is our
 10 gasoline plume. This is in this zone up here.

11 Now, one thing that I have to preface is, if
 12 you look real closely, you'll see it says "A-1/A-2 wells."
 13 We, unfortunately, have a great number of wells that when
 14 they were installed, they were installed like this, and
 15 they're screened, which means they're open all the way
 16 down. So we're essentially getting information from two
 17 water bearing zones, and you can't tell where you're
 18 actually getting this data. So what we're assuming -- and
 19 I'll show you our reasoning for assuming this -- yeah,
 20 Michael.

21 BOARDMEMBER HEALY: Roger, is that because
 22 you didn't realize that there were two levels of
 23 contamination?

24 MR. HENDERSON: These were put in quite
 25 sometime ago, and what happens is this is real thin and

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1 basically is: There is an area where we have what's called
 2 free product. That's basically a floating product which
 3 is sitting on top of this water table above the A-1 zone
 4 kind of like that, and this is an artist's version, which
 5 I'm not an artist. This stuff here is about, I'd say in
 6 our last water quality sampling results, the maximum was
 7 about seven-tenths of a foot. So that's about 8 inches of
 8 floating product, so it's actually gone up somewhat. It
 9 varies between zero and 8 inches depending on the rain and
 10 whatnot.

11 That stuff -- I'll draw real quickly here --
 12 is located about right here, okay. So hold that thought.
 13 So basically, we've got some soil problems here, out there
 14 where you say there are problems but they're not a part of
 15 the 637 Site, and in this zone right here, we've got some
 16 floating products. And that takes care of everything
 17 there at groundwater level.

18 BOARDMEMBER HORENSTEIN: And the gradient --

19 MR. HENDERSON: Well, this is soil, so we're
 20 not worried about gradient. It's pretty flat out there.
 21 I'll get to gradients when we do the groundwater.

22 So what I'd like to do then is show you this
 23 A-1 zone right here --

24 PUBLIC MEMBER: Excuse me, before you go
 25 deeper, you talked about excavating and removing soil.

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1 it's very hard to see unless you're actually looking for
 2 it. And so I think what happened was when the wells were
 3 put in, they were put in and then -- there are cases
 4 now -- there's some sites out here where this isn't there.
 5 And so if you're not looking for it, you can actually
 6 punch that well right in there and put it in.

7 We started to look for it just recently after
 8 about -- I'd say about a year ago we found out that there
 9 was this unit here. So now we've been trying to make sure
 10 that all of our wells are either here or here. But this
 11 is very, very difficult, to get a well in a thin unit like
 12 this. I mean, it's like trying to put a well in that
 13 piece of paper here; it just doesn't work.

14 So what we're going to be assuming for
 15 purposes of the Corrective Action Plan is that since we're
 16 dealing with pretty much a floating product, and there's
 17 other data that shows that wells that are close to these
 18 that are only screened in the B-zone don't show anything,
 19 that the information that we're getting from these A-1/A-2
 20 wells is predominantly information that's up here.

21 So this is basically the extent of our
 22 gasoline plume. As you can see, it goes out to a 50 part
 23 per billion -- these are parts per billion, not parts per
 24 million; parts per billion. So it goes all the way out
 25 here, and as you can start to see, as it rings in, we get

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1 to 100, 500, a thousand, 5,000. And again, keep this
2 mind, this is where we had our splotch of floating
3 product. The floating product is here, and so you'll see
4 the gasoline, a lot of it in this area here; as you get
5 farther from this floating product, the gas gets less and
6 less; so that gets spread out that far. So that's
7 essentially what we're calling a gasoline plume.

8 And then that same zone, I'd like to show you
9 the diesel plume, because these tanks had diesel and
10 gasoline. And as you can see, the diesel plume goes out
11 farther, somewhat farther. Again, these are parts per
12 billion. But again, also concentrated in this area right
13 here -- and this floating product that we're finding is
14 kind of a mixture of gasoline and diesel. So you can see
15 it's a fairly defuse plume and it varies a lot. I don't
16 know what to say here. There's certainly more diesel in
17 this area than there is out here, so we go quite a ways
18 out.

19 BOARDMEMBER KERN: Roger, could you tell me
20 what the middle value is, what the middle contour is?

21 MR. HENDERSON: This here?

22 BOARDMEMBER KERN: Yeah, how high does it go?

23 MR. HENDERSON: It goes from 50 to a hundred,
24 500 to a thousand to 10,000 parts per billion. So this
25 would be then ten parts per billion.

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1 MR. HENDERSON: Yeah, it does. But if it's
2 flowing, I'd expect to find it down here as well.

3 BOARDMEMBER FUENTES: So it gives you the
4 same information there? It gives you the information
5 within other aquifers?

6 MR. HENDERSON: This?

7 BOARDMEMBER FUENTES: Both wells?

8 MR. HENDERSON: No.

9 BOARDMEMBER FUENTES: Why not? Because
10 you're saying that the aquifers is discontinuous in the
11 upper aquifer.

12 MR. HENDERSON: It is -- in several cases, it
13 is, or it actually thins out. The thing is, when I do
14 this well here -- it's easy to argue both points. When I
15 purge this well, am I getting water from the top or am I
16 getting water from the bottom? Probably I'm getting water
17 actually from both wells. Well, I can't say which one.

18 When I purge this one here, I'm only getting
19 water from this one; because if I'm sampling down here --
20 which is where we usually sample -- I'm not going to be
21 pulling water way down here.

22 Okay. So as you can see, things are somewhat
23 different out here. This, again, is the gasoline plume.
24 This is in the A-2 zone right down here. As you can see,
25 this is it; it doesn't get any better than this. The

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1 So hold that thought. And actually, what's
2 sort of interesting to see is, if you superimpose both of
3 these plumes, you can see that they did sort of link,
4 which we'd expect. It may be somewhat difficult to see,
5 but you can kind of see our gasoline plume's sort of in
6 the middle, and the diesel out somewhere farther. Okay,
7 so hold that thought again.

8 Now, since we've essentially covered what's
9 in the soil, what's floating on this zone here, sort of
10 what's in this zone here; the next zone that we had looked
11 at was this A-2 water bearing zone. And in this zone, we
12 actually do have wells that are screened solely in this
13 zone like this; thus, data from this zone is not
14 influenced by anything that's up here. And low and
15 behold -- we did the same thing. We looked at gasoline
16 and we looked at diesel --

17 BOARDMEMBER FUENTES: How would you know
18 that, if you said a while ago that A-zone aquifer is
19 continuous?

20 MR. HENDERSON: Because if I have
21 information from wells that are real close to each other,
22 and I get something up here, and I don't find it down
23 here, then there's not --

24 BOARDMEMBER FUENTES: Well, if groundwater is
25 flowing --

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1 other wells are basically less than 50 parts per billion,
2 this is the detection limit, so if I can't see it --

3 FACILITATOR STEELE: Excuse me. We're just
4 checking for the video. Is this okay?

5 MR. HENDERSON: Okay. So essentially what
6 we've got here is we've got a hit at building 637-01R,
7 which is essentially where one of the worst areas was.
8 This is an area up here where probably this zone pinches
9 out, and it's only a hit of about 280 parts per billion
10 of gasoline. So we're not finding it way out here, which
11 is what we were looking at when we were doing the A-1
12 water bearing unit, which is way out here. That had
13 gasoline out here; we're not finding that. We do have
14 wells in this zone up there.

15 And then I'm going to show you the diesel,
16 similar -- it's very similar. And you can see again where
17 our hot spot was. You can see it is limited to this area
18 here. We're also saying that this zone out here, which is
19 diesel, and down here, is not part of the Building 637
20 spill. It's there, and it will be studied and it will be
21 dealt with; but it's not part of our site here.

22 One thing to note, these are very low hits
23 actually. This is like 130 parts per billion; these are
24 140 and 140. What we've been finding, we've got about
25 three-quarters of the water quality data, and what's

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1 interesting is these hits come and go. This area here is
2 constant; it's always there. But sometimes this well will
3 come up as a non-detect; sometimes we'll get a very small
4 hit here; and then it will just go away. So it's very
5 sporadic, very sporadic. Yes.

6 BOARDMEMBER REINHARD: This non-637 area we
7 have in A-2, the A-1 plume just above it, can you
8 superimpose that one?

9 MR. HENDERSON: Yeah.

10 BOARDMEMBER BAXTER: Roger, do you have a
11 well in that area that's solely a A-1 and one that's in
12 A-2?

13 MR. HENDERSON: Wait a minute, I didn't hear
14 you. What was that?

15 BOARDMEMBER BAXTER: Do you have a well
16 that's only in A-1 where you have that well that's only in
17 A-2 on the separate --

18 MR. HENDERSON: We have no single wells that
19 are only in the A-1 zone. Everything screens across it
20 unfortunately.

21 Okay, let me superimpose. Okay. This is
22 extractables, so I'm comparing diesel with diesel; not
23 gasoline to diesel or diesel with gas. So you can see
24 that this is what we're planning, the A-1 up here, and
25 then in our A-2 zone, we're over here.

1 on 637 there.

2 MR. HENDERSON: This right here? This 50?

3 No. No. There's basically one hit of 130.

4 FACILITATOR STEELE: So is this 50 a guess?

5 MR. HENDERSON: Absolutely, it's a guess.

6 BOARDMEMBER REINHARD: So you don't have any
7 data to draw the 50 line?

8 BOARDMEMBER BAXTER: Right, that's normal.

9 MR. HENDERSON: Right. Exactly.

10 Okay. Go ahead.

11 BOARDMEMBER REINHARD: Well, yeah. I guess
12 I'm just wondering how -- why we're looking at these
13 representations like this, and why it couldn't be due -- I
14 mean, even the line in A-1, which is the 50 line, where's
15 the hit that was the basis for that?

16 MR. HENDERSON: Basically, when you have a
17 well out here -- this is a hit of 87; so basically, when
18 you start to draw contours, you have to kind of do some --

19 BOARDMEMBER REINHARD: Yeah. So way far away
20 in another quadrant, you have one hit of 87 in A-1.

21 MR. HENDERSON: Right.

22 BOARDMEMBER REINHARD: So, I don't see why
23 you don't know if that area is not part of Building 637.

24 MR. HENDERSON: Because if this --

25 BOARDMEMBER WILKINS: We know that it's not

1 BOARDMEMBER REINHARD: I'm just curious how
2 you drew the circles.

3 MR. HENDERSON: This is very difficult when
4 you have only your one hit. You have to draw the circles
5 somewhere, right?

6 BOARDMEMBER REINHARD: Well, yeah, but you do
7 have this overlap over here.

8 MR. HENDERSON: Where? Over here?

9 BOARDMEMBER REINHARD: Yeah. That's all the
10 50 parts per billion line, right?

11 MR. HENDERSON: Right.

12 BOARDMEMBER REINHARD: And so how do you know
13 it's not due to discontinuity at that point or something?

14 MR. HENDERSON: It would be real hard for me
15 to have -- I know I would have -- see, this is a hit of
16 about 130. So if this was just a hit of just straight 50,
17 then I would say, "Yeah, maybe it is linked there."

18 BOARDMEMBER REINHARD: But you only have one
19 hit there of 130, right?

20 MR. HENDERSON: This is 130.

21 BOARDMEMBER REINHARD: Right. You have one
22 hit of 130 in A-2.

23 MR. HENDERSON: Right.

24 BOARDMEMBER REINHARD: You have another in
25 A-2 of 50? Is that why you drew a circle there? On A-2,

1 part of Building 637.

2 BOARDMEMBER REINHARD: Why? I mean, if you
3 only have one hit far away --

4 MR. CALL: Roger, show him the 100 parts
5 per -- see, to connect those two points, we'd have to have
6 some similar concentrations between those two areas, and
7 we don't have that. So clearly we're looking at two
8 discrete areas of higher concentrations relative to what's
9 bound in between.

10 BOARDMEMBER BAXTER: I sort of disagree. I
11 think that you could bring that hundred contour and swoop
12 it around that well, and it wouldn't violate anything,
13 because you don't have a data point in between; so you can
14 contour it correctly --

15 BOARDMEMBER HORENSTEIN: Yeah, it's a 170 --

16 BOARDMEMBER BAXTER: You know what I'm
17 saying?

18 MR. CALL: I know what you're saying, but try
19 this: You also have to envision how the groundwater is
20 moving through this area. Roger didn't throw up the slide
21 that shows the geometric surface, and if he were to show
22 you that, you would see that there's a definite direction
23 in which the groundwater is moving, and that would not be
24 consistent with the scenario that you've just proposed, to
25 try to wrap that thing around in kind of an odd geometric

1 --
 2 BOARDMEMBER BAXTER: No, I'm not saying
 3 wrapped around. Just bring it around, and it would just
 4 be like more diffuse in that area --
 5 MR. CALL: So you're just saying it would be
 6 much bigger?
 7 BOARDMEMBER BAXTER: In that area, spread out
 8 more in that area. I'm not saying that's what happened.
 9 All I'm saying is that either interpretation is possible
 10 from the data that you have.
 11 MR. HENDERSON: Sure.
 12 BOARDMEMBER BAXTER: That's all.
 13 BOARDMEMBER REINHARD: Yeah. I think the
 14 point I'm trying to make -- and I hope it's consistent
 15 with what Jan's saying, because she's smarter than I am
 16 about this -- and that is that these circles -- we
 17 shouldn't think that these circles are the perfect
 18 representation.
 19 MR. HENDERSON: No, absolutely not.
 20 BOARDMEMBER REINHARD: Because of two things,
 21 like I was saying, the porosity of the data points, and
 22 the fact that actual transmission points -- like I say,
 23 there could be a discontinuity at that point from A-1 to
 24 A-2 which could have also resulted in that hit.
 25 MR. HENDERSON: Except for the fact that --

1 never be considered absolutes --
 2 MR. HENDERSON: No, we're not saying that
 3 they are.
 4 BOARDMEMBER BAXTER: -- and that the lines
 5 are just sort of like a best guess, and they can vary
 6 quite considerably depending -- the more data you have,
 7 the more the contours lines are going to be (inaudible).
 8 But don't get too hung up on absolute shapes, and to draw
 9 conclusions on like one data point one way or another
 10 sometimes gets you in a lot of trouble, either you or
 11 anybody else.
 12 BOARDMEMBER REINHARD: That's the thing, it's
 13 equally true --
 14 MR. HENDERSON: It's equally true, right.
 15 BOARDMEMBER REINHARD: -- that it could be
 16 that the hit in A-2 for 130 is due to something related to
 17 Building 637. We don't know.
 18 BOARDMEMBER HORENSTEIN: Especially because
 19 of that 170 in that close proximity.
 20 MR. HENDERSON: 637-027, that's an A-1/A-2
 21 well. That probably was up here.
 22 BOARDMEMBER HORENSTEIN: Well, probably. But
 23 it's measuring both.
 24 MS. SOPHER: It only just screens across
 25 that. So what we're saying is that it's our impression,

1 MR. CALL: It can't go from lower to higher.
 2 MR. HENDERSON: Right. Its' very
 3 difficult --
 4 BOARDMEMBER REINHARD: But you don't know.
 5 MR. CALL: Keep in mind that TPH generally
 6 floats, so how do I get something from here down to here?
 7 BOARDMEMBER REINHARD: But you don't know
 8 that it's lower. Lower than what?
 9 MR. HENDERSON: Because this zone right
 10 here -- this is where the hit was. 637-13 is right here
 11 in this zone, okay.
 12 BOARDMEMBER REINHARD: Yeah, but you're
 13 saying because you have a hit of 87 over there, you
 14 couldn't have --
 15 MR. HENDERSON: Where?
 16 BOARDMEMBER REINHARD: In the upper
 17 right-hand corner, you couldn't have a hit of 130 in the
 18 A-2 zone, and I'm saying that's so far away.
 19 MR. HENDERSON: I would have to find something
 20 up here, and that's a very difficult --
 21 BOARDMEMBER REINHARD: Yeah, and you don't
 22 have anything up there. You don't have any data up there
 23 at all.
 24 BOARDMEMBER BAXTER: I think one thing that
 25 should be kept in mind on contours is that they should

1 based on again looking -- when I take this away, I don't
 2 see a lot of stuff down here from these wells, right.
 3 BOARDMEMBER HORENSTEIN: What makes this
 4 issue relevant?
 5 MR. HENDERSON: If the A-2 also had lots of
 6 diesel in it, and everybody was saying, "Well, this is
 7 probably pulling stuff up from here," I'm going to see
 8 that in the A-2 wells. But I don't see that in the A-2
 9 wells, in the areas where I've got something over on top
 10 of it.
 11 BOARDMEMBER HORENSTEIN: Is this issue
 12 relevant to your cleanup, your proposed cleanup?
 13 MR. HENDERSON: Right, absolutely it is.
 14 That's why we're going through this.
 15 BOARDMEMBER BAXTER: And the reason that it's
 16 relevant, Roger -- correct me if I'm wrong, is because
 17 you're going to focus on one big area; is that right?
 18 MR. HENDERSON: Probably, yes. And also keep
 19 in mind that these things -- especially hits like this,
 20 they come and they go. This has been pretty much
 21 constant; this is staying here; this thing, I think, last
 22 quarter wasn't there, and it turned up there; we had
 23 another hit somewhere else, and it is just gone. Okay.
 24 BOARDMEMBER HEALY: Excuse me, Roger, could
 25 you spend a very brief moment just describing where these

1 A-2 wells are in relation to the ones that are
2 indistinguishable, A-1s and A-2s?

3 MR. HENDERSON: Oh, heavens sakes.

4 BOARDMEMBER HEALY: Or do you have -- can you
5 give us --

6 MR. HENDERSON: That's in the groundwater
7 reports. And the thing is, this map doesn't show every
8 well, because it would be peppered -- I mean, we have
9 wells spread out everywhere.

10 BOARDMEMBER HEALY: Are they evenly
11 distributed? No, I mean, the correspondence between A-1
12 and A-2s and A-2 only, were the A-2s drilled to fill out
13 some of the answers? Or does it just happen that some of
14 them evolved as A-2s and some of them are
15 indistinguishable?

16 MR. HENDERSON: Most of the A-2s were drilled
17 to answer the question of what's in the A-2 zone, and I
18 think that was at the time that we were contending that
19 there was very little, if anything, in that zone anyway.
20 And so we drilled a series of cluster wells in that zone.
21 Actually, that's in the B zone.

22 I don't have an overhead, because it's fairly
23 large, to show you where all the wells are. If you want
24 to come up later, I can basically show you, because we
25 have about -- there's at least 13 wells. There's a whole

1 from the bay or -- I'm trying to imagine what this -- how
2 this operates as you're describing the limited knowledge
3 that we have from these data points, and I'm just
4 wondering, you know, is the action of the bay flushing
5 influencing on this?

6 MR. HENDERSON: Right. When we did our
7 tests -- did you want to say something, Brad?

8 MR. CALL: Yeah. The A-2 and the B confined
9 aquifers are influenced by the tides, but not in a way
10 that would complicate what he's presenting right now in
11 any way. The B does change direction a little bit, but as
12 you'll see in just a few moments, there's very little
13 contaminants in the B aquifer, very low concentration.

14 BOARDMEMBER HEALY: Okay. But you are
15 getting some movement of water within these zones?

16 MR. CALL: What do you mean? I don't
17 understand. Of course there is a direction of groundwater
18 movement within each confined aquifer. Do you mean in a
19 vertical direction?

20 BOARDMEMBER HEALY: No. But you're
21 getting tidal action, yes, you are getting some vertical
22 movement, or are you getting a change of horizontal --

23 MR. CALL: There is a very low geometric
24 difference between the B -- in both confined aquifers,
25 that's true, yeah, there is.

1 lot of wells on here.

2 So anyway, any other questions on sort of
3 where this is?

4 Again, keep in mind that the shape of this
5 plume changes often and by quarters. Actually, what I
6 often try to think of this plume as looking like -- have
7 you ever seen the cloud cover maps on the photographs, and
8 they do 'em at time-motion and you can see the clouds
9 going away? That's probably what this zone looks like.
10 It's not a nice smooth line like that. It's not that I
11 can walk over here and take a sample and walk over here.
12 And it's just that; it just changes, sort of a fluctuating
13 thing, so these are somewhat of a moving target.

14 So anyway, since we've done all the studies,
15 and we've been at the site now for a good two years --

16 FACILITATOR STEELE: Question in the back.

17 BOARDMEMBER HEALY: Roger, these water
18 bearing zones, is this saturated soil?

19 MR. HENDERSON: This is fully saturated.
20 This down here is saturated; this is saturated; this is
21 saturated up here; and then there's this little zone up
22 here which is partially saturated, depending on rainfall;
23 and this goes up and down; and on top of that, it's
24 somewhat damp. It's mostly sand, fill.

25 BOARDMEMBER HEALY: Is it subject to action

1 BOARDMEMBER BAXTER: You're not getting any
2 actual bay water out there, are you?

3 MR. HENDERSON: We have -- out here, where we
4 have -- let's see. I think our cluster wells are out
5 here. We have a saltwater wedge that we're seeing right
6 down here in the B zone.

7 BOARDMEMBER BAXTER: And that's the only
8 place you think you're finding like actual water that
9 could be related to the bay?

10 MR. HENDERSON: Yes. Yes. Here, we don't
11 find any saltwater. So basically, what happens to these
12 two during high and low tides, the gradients don't change,
13 which means it's not like the water starts to flow back in
14 uphill or something when the tide comes in and flows out;
15 basically, the water raises and lowers at the same
16 gradient.

17 In the B zone -- and this is kind of strange.
18 It's not like there's a water surface down here. This is
19 actually a confined zone. So what happens is pressures
20 change somewhat, and the direction of flow down here will
21 change pretty much radically; these directions of flow
22 stay pretty much as I showed you in the A-2; these stay
23 going this way. It's just a matter of it raises up.
24 It's not like it changes like this or that. And the B
25 zone does change somewhat radically. Okay.

1 BOARDMEMBER REINHARD: I'd like to ask about
2 this well in the far right-hand corner, from the A-1
3 configuration, the one that I think had 87. Now, you said
4 you determined that that's an A-1 reading.

5 MR. HENDERSON: Well, let me make sure --
6 that's probably an A-1/A-2 well.

7 BOARDMEMBER REINHARD: That's right; but you
8 interpreted it as an A-1 reading.

9 MR. HENDERSON: Right.

10 BOARDMEMBER REINHARD: Because?

11 MR. HENDERSON: Well, because of a couple of
12 reasons. Number one was that since we are dealing with a
13 product that floats predominantly, we're saying that --
14 and this is what Jan was saying, a person can argue, "What
15 am I seeing when I take a sample from this well here?"
16 And the argument is, "I'm seeing this," or "I'm seeing
17 this" or "I'm seeing both." And you can argue all of them
18 fairly well any old way.

19 The only thing that's -- the two things that
20 lead us to conclude that, when we sample a well like this,
21 predominantly what we're seeing is what's up here rather
22 than what's down here is that it's a floating stuff; it
23 doesn't real like to go down, okay; that's one. Secondly,
24 if I had an A-2, when I do my A-2 wells -- now, granted I
25 don't have a well -- let's see, the one that we were

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1 BOARDMEMBER REINHARD: In that area where the
2 87 is?

3 MR. HENDERSON: Exactly, we didn't find
4 anything. And we took basically several radial lines that
5 went way out, and we looked in the A-1 and the A-2, and we
6 also looked in the B there. Based on the hydropunch, we
7 found something in the B, but not very much.

8 So that's the other data that you don't
9 have, and that's why -- I mean, this is several years
10 worth of work that we've been doing, and I'm trying to
11 collapse this thing into a very brief thing. When our
12 Corrective Action Plan comes out, you'll basically see all
13 that.

14 So that's the other reason that I'm saying
15 that I don't think predominantly that when I have a well
16 like this, that I'm seeing a lot from -- or that I'm
17 seeing both.

18 BOARDMEMBER BAXTER: I think you should
19 explain to people a little bit of the difference between
20 floating product and dissolved product, and when you have
21 dissolved product, it's going to move with the water,
22 correct?

23 MR. HENDERSON: That's correct.

24 BOARDMEMBER BAXTER: So the fact that it's a
25 free product and floats does not mean that once it's

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1 looking at was out here somewhere. I don't have a well
2 right next to that one --

3 BOARDMEMBER REINHARD: Right. Because the
4 argument about the floating issue, that's true. But
5 nevertheless, you do have an A-2 map where you did find
6 some stuff, so obviously that stuff didn't decide to
7 float. And then your other point, that you can interpret
8 it as being an A-1 reading because of the proximity of
9 another A-2 reading doesn't hold for that particular spot
10 up there.

11 MR. HENDERSON: Except we have some
12 information that you don't have that I haven't told you
13 about; I'm holding out.

14 BOARDMEMBER REINHARD: And I'm just
15 following you; I'm saying why isn't that an A-2 reading?

16 MR. HENDERSON: When we went out here, prior
17 to putting in a whole mess of wells, we told the Water
18 Board, "Look, what we're expecting is about 800
19 (inaudible) of wells. It's very expensive (inaudible)
20 I'm going to use this other method of getting samples and
21 that's called a hydropunch." We took beaucoup hydropunch
22 out here, radiating out this way in A-1, and A-2 at
23 several different depths in the B zone. And we didn't
24 find anything in the A-2 zone here. We found stuff here
25 like you saw --

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1 dissolved as a product, it will always dissolve. So you
2 should --

3 MR. HENDERSON: But it also doesn't sink.
4 It also needs some way to drag that stuff --

5 BOARDMEMBER BAXTER: Water moves vertically
6 as well as horizontally in a natural system. I'm only
7 trying to say that the way things move as a free product,
8 as a floater, does not necessarily mean it will move the
9 same way once it's dissolved in the water.

10 MR. HENDERSON: Right. Agreed. And based on
11 that, we did all the hydropunch sampling; and based on the
12 hydropunch sampling, we didn't put wells in any two where
13 we found nothing.

14 BOARDMEMBER REINHARD: Right. And the reason
15 I'm asking the questions is I do want to understand,
16 because I know that when you do propose your Corrective
17 Action Plan, the design and location of -- actually
18 whatever you're going to propose is important, and I want
19 to make sure I follow the placement of those solutions
20 and --

21 MR. HENDERSON: That's fine. And, you know,
22 this is based on several years of study, plus all the
23 knowledge of other sites, and oftentimes it's just our
24 best educated guess, and somebody else can argue the other
25 side. So that's a good question.

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1 BOARDMEMBER HORENSTEIN: You're assuming A-1
2 concentrations since you're pulling out of both A-1 and
3 A-2, because the effective concentrations from like A-1
4 are like double or more than what you're seeing because
5 of being diluted from the A-2?

6 MR. HENDERSON: I wouldn't quite say that. I
7 can't really tell. It varies on the purge rate of that
8 well. If I suck real hard and I start pulling in lots and
9 lots of stuff, probably, so -- if I'm doing it at a very,
10 very low purge rate, and if I've got my pump right down
11 here, so I'm trying to get mostly what's up here, versus
12 trying to put my pump way down at the bottom of the well.
13 So I wouldn't --

14 BOARDMEMBER HORENSTEIN: There's some
15 dilution, it depends how much.

16 MR. HENDERSON: Yeah. But I don't think I
17 would say twice as much. There's some probably. It would
18 be tough to argue that there isn't any.

19 BOARDMEMBER BAXTER: You can say that the
20 numbers that you give, they're probably a minimum amount
21 for that period of time, because there will be some amount
22 of dilution.

23 MR. HENDERSON: Right. Except here, in this
24 zone here; this is a true A-2 zone.

25 BOARDMEMBER BAXTER: Roger, did you get CPTs

1 Treatment, Partial Containment;

2 And the fifth one, Partial Treatment, Partial
3 Containment, PT/PC, you guessed it.

4 Well, I don't need to dwell on this very
5 long. This would involve essentially monitoring to see
6 what's happening at all the levels, and if things got
7 substantially worse, we'd probably have to do something
8 later on.

9 Now, one thing, this isn't -- I wouldn't
10 call this no action. What we're probably going to do in
11 any event -- remember the floating product over here in
12 this zone right here? We are going to undertake what's
13 called an interim removal action in accordance with Title
14 23, Chapter 16, where we're going to excavate down --
15 we're going to excavate the soil like this to get this
16 stuff out here, because there's a smear zone where this
17 went up and down with the tide, the rainfall and
18 everything else. So I think even under the No Action --
19 correct me if I'm wrong -- we would be doing the interim
20 removal action. This is getting the source. This
21 floating product here is basically still sourcing this
22 plume right here. It's still there; stuff's still coming
23 off from it. So that has to be taken out, and that would
24 be taken out even under this, okay. And since this is a
25 fairly shallow -- this is only about four to

1 between those two diesel circles?

2 MR. HENDERSON: Yes, I do believe that we
3 do -- now, I'd have to look at that data. This is based
4 on the water quality from the wells.

5 Okay, if I could move along here -- okay,
6 based on that, based on all this, we're going to
7 propose -- and I'll preface this with: Since I'm not
8 writing the report, there may be some minor changes when
9 the report comes out. That's why I didn't give everybody
10 a copy tonight, because it might be slightly different,
11 but it should be fairly close to what I'm going to go over
12 right now.

13 We're kind of looking at five different
14 actions that we could take at this site. I'm going to go
15 over 'em real briefly. The first one, Option Number 1,
16 the one that we all know and love, and this is what we
17 call the No Action.

18 The second option that we're going to look at
19 is what we're calling a Total Treatment, Total
20 Containment, and I'm going to abbreviate this as TT/TC,
21 and I'll explain all this, so don't get too hung up on all
22 this.

23 The third one is what we call Partial
24 Treatment, Total Containment;

25 The fourth one is going to be Total

1 four-and-a-half feet, this could be easily done. There's
2 a very quick way of doing it; it just does a real good
3 job.

4 The other way is to try to get this out.
5 Right now what we're doing, we have a little tiny well in
6 here; we're just sort of barely sucking on it, just to get
7 the floating product, and that's real, real slow.

8 In answer to your question about the barrels
9 of stuff, it's been taken away, but since it was only 16
10 gallons we fell under the small generator clause. We
11 definitely weren't generating more than 65 gallons per
12 month. But it's been map tested and everything, so --

13 BOARDMEMBER HEALY: And what is the
14 horizontal dimensions of that --

15 MR. HENDERSON: I think about 50 by 100 by
16 about four-and-a-half to five-feet deep. So it's going to
17 generate some soil. And basically what we plan to do with
18 this soil that we take out of here is we're hoping to
19 bio-treat that here on the site; not at 637, but up at the
20 Nike site, bio-treating it.

21 Okay. So anyway, that's No Action
22 essentially, which is monitoring this plume, as we've been
23 doing. As part of the monitoring we'll excavate in this
24 area right here. And essentially, we just let nature do
25 its work, because nature will eventually break this plume

1 down; it always does for these sites. But there's other
2 reasons to clean things up.

3 Are there any questions about the No Action
4 alternative?

5 Okay. This next one is called Total
6 Containment and Total Treatment. What I'll do is I'll do
7 most of my drawing on the A-1/A-2 zone with the diesel
8 because that goes out the very farthest. Keep in mind
9 that the gasoline plume is contained within that diesel
10 plume in the A-1 zone. And I'll label this Number 2 in
11 case we have to -- that was Number 1, that was our No
12 Action. Number 2. Okay.

13 What we're attempting to do with this site is
14 kind of -- I want to say out of the ordinary, but we're
15 trying to use methods of cleaning this up that -- like are
16 used in Europe, so it's sort of an innovative treatment.
17 One of the things that we are going to be using is oxygen
18 for total containment -- let me step back real quick.
19 Whenever you have a groundwater plume, you've got to do
20 two things. One of them is to contain that plume, make
21 sure that it doesn't go any farther. The other is somehow
22 to treat that plume, so it actually goes -- if I contain
23 that plume, I could wait for ever and ever -- well, not
24 for ever and ever, but it would take a long time. So we
25 have to treat it.

1 BOARDMEMBER BAXTER: But that's not going to
2 block it.

3 MR. HENDERSON: Huh?

4 BOARDMEMBER BAXTER: That's not really going
5 to -- then it goes under a --

6 MR. HENDERSON: Yeah, I haven't seen finished
7 with what I'm going to do.

8 BOARDMEMBER BAXTER: Okay, you're going to
9 take care of that too, okay.

10 MR. HENDERSON: So we have a wall all the way
11 around it. Then we have to start moving water, so
12 probably somewhere around here -- we haven't decided
13 exactly where, but we're going to put in some horizontal
14 wells, something like this maybe, all right, in that area.
15 And a horizontal well is nothing more than a trench like
16 this, and at the bottom of that trench, I've probably got
17 a piece of perforated pipe which is filled up with a
18 gravel and put some water on that pipe.

19 The reason you want to use a horizontal well
20 is, keep in mind this thing's only about four-feet thick.
21 If I put in a vertical well like we're all used to, I
22 can't draw much water out of it, because all of a sudden I
23 draw that water down very quickly and I've got a well
24 that's dry. So if we put this in here, we can effect a
25 very large, large area.

1 So under this option right here, for the
2 Total Containment, drawn in pink, is probably going to be
3 what we call some sort of a cutoff-wall. This isn't going
4 to show up very well. That would basically -- I'm showing
5 it going through a building. Keep in mind we're not going
6 to go through buildings. Now, this is a cliff here, so I
7 can't run that wall off that cliff. Essentially what we
8 would be doing is building a cutoff wall, or a cutoff
9 trench. Basically it's a wall, just to -- if I were to
10 take a cross-section through that, basically what we're
11 doing is we're digging a trench here near that A-1 zone
12 right here. And let's see, here's the bottom of that
13 little unit, and we basically dig a trench down there like
14 that; that's my water on the side like that; this would be
15 water. Then I can do several things. I can put what's
16 called an impermeable barrier in here, like a sheet of --
17 kind of a plastic that goes in there; or I could fill this
18 trench up with what's called bentonite, which is like a
19 clay, a very thick clay, so water doesn't go through
20 there. So it's a true wall --

21 BOARDMEMBER BAXTER: But, Roger, there's only
22 two foot of the silt, and that's what you're going to key
23 it into?

24 MR. HENDERSON: That's right. We're going to
25 key it into this right here.

1 Now, we also had some soil problems, didn't
2 we? They kind of looked like -- if we draw it, it sort of
3 looks like a big banana like that, and this area right
4 here, which again is in this upper zone above the A-1,
5 this zone right up here, we're going to use what's called
6 soil flushing, insitu soil flushing, where you actually
7 are pumping water through that soil, and that will
8 actually drive what's in the soil down into the
9 groundwater.

10 And then you're going to say, "My gosh,
11 they're putting stuff into the groundwater. How
12 terrible." We're going to be putting another horizontal
13 extraction well down that -- right there, and that's
14 sucking all that water that I've now immobilized this
15 stuff, and taking it out. That's a fairly effective and
16 quick way of getting this mass out of here.

17 Okay. Also, keep in mind that we have some
18 diesel and gasoline in the A-2 zone right here, and the
19 way we're going to attempt to clean that in place is
20 rather than just standard pump and treat, where I'm
21 pumping a whole lot of clean water just to get a very
22 small amount of diesel out, we are going to use what's
23 called bio-sparging. And it's a way that you inject the
24 (inaudible) with air -- not as much as a sparkling well,
25 you inject a lot of air; and the purpose of that is to get

1 whatever bacteria things growing down there so that
2 they'll start eating away at that diesel and gasoline
3 plume down there. It's somewhat of a new system actually
4 that's being used.

5 Let's see. Also, we've got this big mass of
6 stuff in the A-1 zone out here. We're also going to be
7 doing bio-sparging of that using these kinds of wells too.
8 So essentially what we're going to be doing is
9 bio-sparging this large mass in here; we're pumping water
10 out of here to keep the stuff going this way. When I pump
11 water out of here, I lower this water level here. When I
12 lower this water level here, if there's any gradient
13 differences, then this a lot of (inaudible) wants to go up
14 versus down; and that's the key to this system right
15 there. Because if this is not a continuous layer, which
16 we have evidence that it may not be, if I can lower this,
17 water's going to want to float back up there to replace
18 it, so I've got an upward gradient to keep stuff from
19 going down here.

20 And keep in mind, even without any gradient,
21 any lowering of this water table, we haven't seen much
22 down here. Okay.

23 Let's see, we've got bio-sparging in A-2 down
24 here. They would probably be located -- those
25 bio-sparging wells in the A-2 would be where the mass is

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1 this report, in this plan?

2 MR. HENDERSON: Yes, indeed, you betcha. But
3 I don't want to talk about them now because we don't have
4 any that we've sat down with the Water Board or DTSC. The
5 only thing I'll say briefly about that is when we do
6 propose cleanup levels, we're going to be attempting to
7 use the Water Board's new policies of kind of risk
8 assessment, and we're looking at what's actually the toxic
9 components of this. Real briefly -- I don't want to get
10 tied up in this because I'll basically never get done --
11 we would be looking at benzene, probably a cleanup of
12 benzene and of PNAs, the heavy stuff, and those -- they've
13 got slope factors for those, and you can do a true risk
14 assessment. TPH for human health (inaudible) and there's
15 not a lot of evidence. As a matter of fact, on TPH,
16 there's a lot of evidence that it is not toxic.
17 We can fall back on other things like snarfs, you know,
18 case-in-order threshold, but like I said, I don't want to
19 get into that because we haven't discussed that with the
20 Board yet and we're still in the process of figuring that
21 out.

22 BOARDMEMBER REINHARD: Just that --
23 anticipate the comment from me that you probably expect,
24 and that is that the nondegradation policy always applies.

25 MR. HENDERSON: Okay. Comment noted. Okay.

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1 of the diesel, so we probably have maybe two or three or
2 four of those here. As you can see, we haven't gotten the
3 nitty-gritty, but I want to give you guys a conceptual
4 version of this.

5 Some of the problems with this kind of a
6 system like this, it's going to cost lots of money. I've
7 got to put in a wall here, which is a long, long way; I'm
8 cutting across Mason Street three times; I've got a lot of
9 power conduits, cables, sewer lines, water lines,
10 et cetera, et cetera.

11 The one benefit with this is I will contain
12 that plume in the A-1, and with the bio-sparging in the
13 A-2, since there's not a lot of gradient flux and we have
14 indication it's not going very far, we probably could
15 contain the A-2 as well.

16 So that's our Total Containment, Total
17 Treatment. We basically are treating everything that we
18 can and containing everything that we can.

19 BOARDMEMBER REINHARD: What are the treatment
20 levels of total treatment?

21 MR. HENDERSON: We have not gotten any of
22 those yet, and we can talk that later, but we haven't
23 worked any out just yet. We're in the process of doing
24 that.

25 BOARDMEMBER REINHARD: Will they appear in

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1 Second one, we've got Partial Containment,
2 Total Treatment -- I'm sorry, Partial Treatment, Total
3 Containment. That is going to look something like this:
4 We're going to be building a similar cutoff wall, except
5 it's going to be kind of truncated to go sort of like
6 this, and like that; and then we're building a little
7 special wall -- not a wall, but it's going to be an
8 injection wall right there. I will explain all these
9 things. And we're going to be doing the same bio-sparging
10 with our well out here; we're going to be extracting some
11 water still; we're going to be bio-sparging this A-1.

12 And in the A-2 zone, what we're going to be
13 doing essentially is putting in one bio-sparge well. As
14 you know, in the previous one we were going to put in
15 many, many of them, maybe three or four.
16 We're only putting in one in this case. Our thinking
17 behind that is we think we'll have a large enough radius
18 to affect that little zone in the A-2.

19 Essentially what we're going to do here is,
20 again, we've got a cutoff wall here. It's going to keep
21 the plume from going this way. I'm extracting water from
22 here, so I'm drawing that water down, so I'm not going to
23 go twisting around here; but again, I'm going to be
24 pulling some water in around these here. Any water that
25 we take up out of the ground -- I think I skipped that. I

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1 didn't say how we're treating that water we're pumping out
2 out of this area here.

3 In this first option -- second option and
4 this one, we're going to be treating that above ground
5 using a biological contact filter that we saw in Europe.
6 And we'll make sure that we get all the waste discharge
7 walvers and everything else. But what we're going to do
8 with that water after we've treated it is we're going to
9 inject it along this trench right here like a well, and
10 that will flock any water coming through this way; and
11 I've got a very limited area now that I'm actually putting
12 in clean water. One of the problems with a pump and clean
13 system is, when you pump, you pump a lot of clean water,
14 and that's expensive and it draws this whole system out
15 for 30 to 40 years, and that costs tax payers dollars,
16 yours and mine.

17 So we've tried to -- in this system right
18 here, to kind of cut this -- we're not cutting across
19 Mason Street, and we haven't had any talks yet with the
20 Park Service about this whole system, so we're going to
21 have to check with them; and we're being -- I guess you
22 might want to say -- taking somewhat more of a risk of
23 only putting one bio-spargue well here to take care of this
24 A-2 zone right down here.

25 And then also one option that we can do with

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1 BOARDMEMBER WILKINS: There is one place in
2 the states too, Hill Air Force Base.

3 MR. HENDERSON: Right. Also keep in mind
4 that -- just to answer part of your question, certainly
5 the gas will be cleaned up very, very fast, because that's
6 one of the first things to get eaten up; diesel will take
7 somewhat longer.

8 BOARDMEMBER REINHARD: Well, on this partial
9 containment, wouldn't that -- going back to the problem of
10 how to draw the circles -- I mean that you would want to
11 be even all that much more comfortable that your original
12 circles are drawn correctly, to the extent that there is
13 doubt as we were trying to learn earlier that the circles
14 could be drawn otherwise, then that doubt might sit --
15 might convince you if -- you know, well, maybe the total
16 containment is a slightly better option to take care of
17 that doubt?

18 MR. HENDERSON: One thing that we'll be
19 doing -- assuming that we choose one of these with this
20 kind of a wall; when we're building that wall, we'll be
21 taking samples prior to putting that wall in --

22 BOARDMEMBER REINHARD: Oh, you are?

23 MR. HENDERSON: -- before doing -- they'll be
24 quick and dirty samples, but at least we'll know that this
25 plume isn't way over here when we thought it was here. So

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1 this is, when you reinject that water, you can also add
2 things to it so that -- make sure that things grow in
3 here, all the bacteria, fungi and everything else, and
4 that also will help clean up this whole area.

5 BOARDMEMBER HORENSTEIN: Well, why the --
6 besides the opportunity to give some papers -- the
7 European technology versus -- I mean, there's a lot of
8 these sites all over being cleaned up in the U.S.?

9 MR. HENDERSON: There aren't very many that
10 are being cleaned up. They're using standard -- they're
11 being cleaned up, but they haven't been cleaned up, and
12 that's part of the -- one of the problems.

13 BOARDMEMBER BAXTER: Roger, could you maybe
14 give people an example of where bio-sparging has worked,
15 and also explain whether or not it's going to work as well
16 on diesel as (inaudible)?

17 MR. CALL: I think we could certainly
18 research some specific examples, but I don't think we're
19 prepared really to discuss specific sites. We didn't come
20 prepared to discuss specific sites this evening.

21 BOARDMEMBER BAXTER: I see. I thought you
22 might know a couple that it worked on.

23 MR. HENDERSON: The Corps hasn't, but our
24 consultants have, and actually, it's been used in Europe,
25 a couple of sites we saw were using bio-sparging.

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1 we can field-adjust this.

2 BOARDMEMBER REINHARD: Right. You can start
3 out doing partial and then do more, or go into more later.

4 MR. HENDERSON: Right.

5 Have I forgotten anything in this one here?

6 MR. CALL: You all remember that Roger
7 mentioned that there's an Interim removal action of soil
8 in order to get that hot spot that's causing this
9 groundwater plume? Well, that option goes along with each
10 one of these alternatives that he's describing.

11 MR. HENDERSON: Thanks. And that, again --
12 the benefit of taking that out is the source of the plume
13 is gone, and if the source of the plume is gone, then
14 whatever's left of the plume is going to break down over
15 time anyway. Weren't just trying to help it along a
16 littler faster.

17 If we weren't going to take that source out
18 here, and we didn't do a very good job, this plume would
19 be here for a long, long time. But once you take that
20 source out, this plume just by itself would naturally
21 break down. Maybe not as fast as we want, but it would
22 certainly do it.

23 BOARDMEMBER REINHARD: On the partial
24 treatment portion of the phase, I know you say you haven't
25 decided on what treatment levels are for total treatment;

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1 but does partial treatment mean levels that are higher
2 than total treatment?

3 MR. HENDERSON: No, I don't think that we
4 would -- I think it's basically what we are treating. If
5 you see here, we're not doing our soil flushing in this
6 zone. And the reason we're not doing soil flushing is
7 we're still going to bio-spargue this A-1 zone -- we're
8 still going to bio-spargue this whole zone, but we're not
9 going to soil flush. And our thought is, well, what could
10 happen is when you're bio-sparging, we're also going to be
11 cleaning up this --

12 BOARDMEMBER REINHARD: So you're just saying
13 that the bio-sparging will be more effective you hope?

14 MR. HENDERSON: Yeah.

15 BOARDMEMBER REINHARD: But the conclusion of
16 what is the appropriate level will be the same between
17 total treatment and partial treatment?

18 MR. HENDERSON: Yeah, because we always have
19 to work to a cleanup standard, right. What that standard
20 is, we haven't decided.

21 BOARDMEMBER GIRARDOT: Going on the other
22 side the containment -- can you back up just a minute --
23 when you said that you have total containment and your
24 goal is total containment, and you're digging this trench
25 and making it an impermeable barrier, that if you choose

1 anyway.

2 MR. HENDERSON: Right.

3 BOARDMEMBER GIRARDOT: Okay. At this time,
4 now, how does that fit in with a partial containment or a
5 total containment?

6 MR. HENDERSON: She wants to know -- I'll
7 try to rephrase your question. You basically want to know
8 how time gets taken into account when we're doing partial
9 containment or total containment --

10 BOARDMEMBER GIRARDOT: As far as dissipating?

11 MR. HENDERSON: Okay. Basically, in the two
12 scenarios that I've shown so far, time won't play much of
13 a factor in this portion -- excuse me, in this portion.
14 If -- how do I want to say this? This portion here is
15 more of a -- I guess I might want to call it risk taking;
16 as in how good do we feel about the system we put in, that
17 it can contain the plume and make sure it's not going to
18 spread any farther while we're treating it.

19 The treatment portion is tied in with time.
20 The less material that I treat and wait for nature to take
21 the rest, it's going to draw this out farther. That means
22 I spend less money, but I use more time. If I do a total
23 treatment, I expend a great deal of energy and money, so
24 hopefully shorten that time.

25 Now, there is some risk taking in here. But

1 that, then you have to treat what's in there to a higher
2 level than if you did partial containment because --

3 MR. HENDERSON: No. If I said that, I'm
4 sorry.

5 BOARDMEMBER WILKINS: The cleanup standards
6 will be the same regardless of any of these approaches.
7 Alls we're doing is changing the strategies. When the
8 strategies are changed, some are less expensive; some may
9 not have a cutoff wall; they may be the particular
10 bio-remediation activity that doesn't have anything or any
11 impact on the cleanup goals or regulatory requirements.
12 All he's showing you here is five different strategies.
13 The standards are the same.

14 BOARDMEMBER HEALY: What drives these
15 strategies? Cost?

16 MR. HENDERSON: Cost is certainly one of
17 them, yeah.

18 BOARDMEMBER WILKINS: Cost is one. I mean,
19 it's basically, you know, good engineering judgment. I
20 mean, it's 25, 30, 50, 60 years of professional
21 experience, brainstorming, researching, reviewing and
22 coming up with strategies that they know work.

23 BOARDMEMBER GIRARDOT: Can I go back to what
24 I was asking. You said that you remove the source and
25 Mother Nature will eventually take care of the plume

1 when you have good containment, if this doesn't work, I
2 haven't made the site worse. And that's one thing that we
3 have to look at, is what we're going to do that's going to
4 somehow aggravate the site. Am I going to all of a sudden
5 dump stuff into the B zone that at this point looks like
6 it's reasonable clean; or I'm going to put stuff in the
7 A-2 where we (inaudible).

8 So this is more of a risk taking here. This
9 is more of a time factor. And again, these guys here, the
10 total treatment, I'm trading time for money, is
11 essentially what it comes down to.

12 BOARDMEMBER HORENSTEIN: And even on
13 treatment technologies -- the treatment technology you're
14 selecting, bio-sparging, is a relatively inexpensive
15 method compared to other treatment technologies.

16 MR. HENDERSON: Right, good point.

17 BOARDMEMBER REINHARD: So does one of the
18 five emerge as your favorite yet, or you haven't decided
19 yet?

20 MR. HENDERSON: We'll go to Number 4. I have
21 my own personal favorite, but I'll wait for the report to
22 come out, because I'm not writing it, so I'm just giving
23 you guys the options. Actually, I don't think we've
24 chosen one yet. Am I correct? There's some authors back
25 there that are sitting in the wings.

1 Okay. I'm going through this one real quick.
 2 This one, again, is a total treatment, but partial
 3 containment. And what we're going to do on this one is,
 4 again, we're digging the soil out here, getting the source
 5 out there. We are going to be putting in this time --
 6 just a cutoff wall. Now, on the other one I drew a pink
 7 wall here. That was actually what we call an injection
 8 wall, where I'm injecting water. This one is just a
 9 straight cutoff wall like I drew here.

10 Essentially what this is going to do -- since
 11 the groundwater gradient flows in that -- is flowing that
 12 way, I can basically cut off a lot of the water going
 13 through this way. I'm not cutting off water coming in
 14 from any other place.

15 I'm going to be bio-sparging -- I'll just try
 16 to do that in green. We're going to bio-sparge again,
 17 like we were doing in that A-1 zone. So again, I'm
 18 treating total -- this whole mass here using that
 19 bio-sparging. I'm going to do my soil flushing that's in
 20 here, with an extraction well down the middle there. And
 21 in that A-2 zone, we're basically going to be putting in
 22 several of the bio-sparging wells to get that gas diesel
 23 plume down there.

24 So again, we're treating everything that we
 25 can, except what I've done now is I've basically said,

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1 some risk taking; whether we want to spend less money,
 2 treat that area, and risk it going a few hundred more feet
 3 down to very, very low levels. There's lots and lots of
 4 questions on this.

5 BOARDMEMBER REINHARD: Wouldn't another way
 6 to describe this, not as partial containment, but as kind
 7 of a source management effort? Because by preventing the
 8 water from entering down at the bottom there, yeah, you're
 9 preventing it from going to that first big push, but
 10 there's no containment.

11 MR. HENDERSON: That's why it's called
 12 "partial containment."

13 BOARDMEMBER REINHARD: Yeah. That's what I'm
 14 saying, you can describe it in one way as partial
 15 containment; but another way to describe it is not partial
 16 containment, but some kind of source management. Because
 17 it only effects the little area where you're also doing
 18 the IRF.

19 MR. HENDERSON: The IRA? But this would
 20 probably (inaudible) this radius out here too. Again,
 21 yes, you are right; this is just basically being
 22 managed -- it is being treated, though, with that
 23 bio-sparging. So we're not just writing it off; we are
 24 treating it.

25 And this plume isn't moving hundreds of feet

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1 "this is all the containment I'm doing."

2 Now, there is some containment here. I'm
 3 going to put in this extraction trench here in this zone.
 4 I will contain some of this here. But there's --

5 BOARDMEMBER REINHARD: There's no containment
 6 up at the top?

7 MR. HENDERSON: That's right. We don't have
 8 any wall up here; we don't have any wells up there.
 9 That's why it's called a partial containment.

10 And one of the things on this -- I mean,
 11 there's lots and lots of things that we have questions on;
 12 "During the treatment, is this going to keep on moving?"
 13 Possibly.

14 (Inaudible comment.)

15 MR. HENDERSON: Right. But again, we are
 16 blocking off some of this groundwater flow. I'm also
 17 making a little low in here when I'm extracting this water
 18 from the soil flushing, so I'm still pulling some of this.
 19 I'll have a radius of influence here -- zone of influence.
 20 I may not have much zone out here. The thing is, keep in
 21 mind what levels that we're dealing with out here. These
 22 are very low levels. These are 50 parts per billion;
 23 these are 50 parts per million or a thousand, so this is
 24 very, very low level.

25 This then implies maybe some cleanup goals.

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1 per day. You have to keep in mind, this is a 1989 spill,
 2 so it's been a long time, and it hasn't gotten out of
 3 that. The gradient -- the push behind this is real flat
 4 out there. And the zone's not a real permeable zone.
 5 It's sandy, but it's not a silty sand. So this isn't
 6 rushing towards the bay. And by the time that we get the
 7 first air sparging well in there -- or bio-sparging well,
 8 it's already out there.

9 BOARDMEMBER REINHARD: Yeah. I'm not saying
 10 it's bad. I'm just still trying to understand what you're
 11 talking about.

12 MR. HENDERSON: You are right, that in this
 13 zone here, this area out here, there isn't any true
 14 containment with an extraction well or a wall, that's
 15 right.

16 BOARDMEMBER HORENSTEIN: Have you done any
 17 biotesting to indicate that bio-sparging's going to be
 18 effective, that oxygen's really a limiting factor here?

19 MR. HENDERSON: That's coming up. We're
 20 going to have to do that.

21 BOARDMEMBER HEALY: I think we began to get
 22 to it. I mean, one of the significant risk factors here
 23 is how fast this stuff's moving toward the bay. And we've
 24 been looking at it for a couple of years. Now, do you
 25 have some notion of, you know, the speed of horizontal

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1 movement? Or the speed of movement towards the bay?
 2 The direction of movement is clearly towards the bay.
 3 MR. HENDERSON: We have some notion.
 4 I can't say that we've got two or three or four years of
 5 quarterly data. Unfortunately, we honestly don't. We've
 6 got at least three good quarters of data.
 7 One thing that you have to understand about
 8 TPH plumes is they generally don't go very far anyway,
 9 because TPH, even in the dissolved form, moves very slowly
 10 in the cells or in the groundwater; it's always being
 11 acted on by nature. And the gradient out here is very
 12 flat.
 13 So again, I can check on that for you to see
 14 what data we do have that might indicate that it's not
 15 roaring out there. But again, the thing that you have to
 16 know from a lot of experience on a lot of plumes, these
 17 just don't go very far.
 18 Benzine does. Benzine can go far, because
 19 it's a lot more -- it gets into the groundwater much
 20 easier. But the thing is, we have precious little benzine
 21 out here. We've got about one benzine hit, and that's it;
 22 and we have been looking for everything that we can.
 23 So what we're seeing is, again, gasoline and
 24 diesel, and they just don't go very far or fast.
 25 Did you want to add something, Brad?

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1 This is kind of what we're calling a funnel and
 2 gate. This is like a funnel. I'm going to have a small
 3 extraction trench right here, so I'm extracting water out
 4 of there; I'm treating it. What we do with the treated
 5 water in that case, we'll have to find out. We can either
 6 put it in the sewer lines after we've met all the water
 7 quality stuff.
 8 Essentially what that's going to do is,
 9 anything coming this way is going to get followed right
 10 through there and taken out. The soil flushing, we're
 11 going to get the big plume that you saw, the soil plume,
 12 I'll call it, in that area by our soil washing. Whatever
 13 stuff gets mobilized into that zone gets pulled out via
 14 this trench right here. And then we're going to put our
 15 bio-sparging well in the A-2 to get that one area of
 16 diesel and gasoline.
 17 And I think I got everything on that I can
 18 think of.
 19 BOARDMEMBER BAXTER: You're bio-sparging just
 20 the A-2, or are you going to bio-sparge part of the A-1?
 21 MR. HENDERSON: On that one right there, I
 22 think we decided we're not going to do bio-sparging in
 23 A-1.
 24 MR. CALL: But I think in that area, we feel
 25 that they're interconnected, so bio-sparging the A-2 --

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1 MR. CALL: I just wanted to reinforce what
 2 Roger was talking about, that that plume is diffusing
 3 farther downgradient it moves, and it's the combination of
 4 the diffusion and perhaps a little bit of natural
 5 biodegradation that is -- the plume is not moving further
 6 towards the bay than you really see right there. That's
 7 probably pretty much its maximum extent.
 8 MR. HENDERSON: And also, you might keep in
 9 mind that when that source is taken out, that plume's not
 10 being sourced anymore. If we didn't take that source out,
 11 and we had this kind of an option, I don't think I'd even
 12 trust it, because it's sourcing all the time.
 13 Okay. I've got one more very quick, and I'll
 14 try to go as quick as I can. This one here is the Partial
 15 Treatment, Partial Containment. This is one where we are
 16 essentially -- and some people might say we're learning
 17 some statements about cleanup levels, and we sort of are.
 18 What we're going to do here is we're going to
 19 build a little cutoff wall just in this area right here;
 20 we're going to do our soil flushing to get that hot spot
 21 in this area right here; we're going to be bio-sparging
 22 with one well in the A-2, like we did on one of the other
 23 partial treatment ones; and then, of course, with our soil
 24 flushing always comes our extraction trench down that
 25 middle there so we don't drive anything anywhere else.

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1 BOARDMEMBER HORENSTEIN: Well, just one
 2 location.
 3 MR. CALL: Yeah, just one location, that's
 4 true.
 5 BOARDMEMBER REINHARD: But everything
 6 outside, you're not cleaning up at all?
 7 MR. HENDERSON: Yes. And indeed, that sort
 8 of does imply kind of a cleanup level.
 9 BOARDMEMBER REINHARD: It sure does. So you
 10 have like that whole circle that goes into the 500 parts
 11 per billion level at the top there, you're going to
 12 confine to not cleaning up?
 13 MR. HENDERSON: Well, no, I wouldn't say
 14 that. We're letting nature do that.
 15 BOARDMEMBER BAXTER: That's an assumption.
 16 BOARDMEMBER WILKINS: It's back to Number 1
 17 is what it is.
 18 MR. HENDERSON: No. No, I would not say that
 19 at all. 1 was we aren't going to clean up the soil, which
 20 we are here, keep in mind. 1 was we're not cleaning up
 21 this lower zone right here, which we are; and Number 1 was
 22 no -- absolutely no containment of the plume, which we
 23 have some containment of the plume.
 24 So I wouldn't say it was number 1. That was
 25 basically doing nothing, other than the source, which

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1 we'll be taking out the source in this one as well.
 2 BOARDMEMBER HEALY: I think the point was
 3 that north of the containment wall --
 4 MR. HENDERSON: Right. That's right.
 5 BOARDMEMBER HEALY: In fact, north of the
 6 containment wall is the No Action -- is the equivalent to
 7 the No Action.
 8 BOARDMEMBER HORENSTEIN: Well, except you
 9 don't get continued migration.
 10 MR. HENDERSON: Exactly, because I've
 11 basically cut all the source off here, so I've got a
 12 little tiny toe of this -- or you could say a big toe --
 13 but this is a very small toe, right? This is the stuff I
 14 would start to worry about in this zone right here. So
 15 I'm containing the real hot spot, the spot that's really
 16 bad; I'm cutting this off here.
 17 So if this thing goes out here, when it
 18 reaches out here, it's going to be a hundred; and when it
 19 reaches over here, it's going to be 50.
 20 But that's what it's doing right now, guys,
 21 with the source here, and now I'm cutting that source off.
 22 BOARDMEMBER REINHARD: Well, as you said
 23 before -- let's backtrack a little bit -- none of the
 24 regulators, especially the Water Board, has weighed in
 25 what's an acceptable level.

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1 think --
 2 BOARDMEMBER BAXTER: So, Roger, what you're
 3 basically saying in a lot of these is that you're going to
 4 let the plume dilute as part of the solution, either from
 5 (inaudible)
 6 MR. HENDERSON: Well, how many of these do
 7 you think we said that? Three.
 8 BOARDMEMBER HEALY: Roger, will you have cost
 9 estimates for us on this?
 10 MR. HENDERSON: Yeah, that will be in the
 11 Corrective Action Plan, that's part of Title 23.
 12 Number 4 was kind of -- that was the one that
 13 had no containment, and I think you'll see that 2 and 3 --
 14 that had containment, and this also had containment as
 15 well.
 16 So basically, two out of the three have good
 17 containment. A third one has a containment of a hot spot;
 18 and then 1 has none, which is the No Action.
 19 So since there are zero questions left --
 20 does anyone have any questions or further statements? I
 21 encourage everybody to read the Corrective Action Plan
 22 when it comes out. I'm sure there --
 23 BOARDMEMBER HEALY: And that's due when?
 24 MR. OZBILGIN: Before Christmas.
 25 MR. HENDERSON: Before Christmas, so it might

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1 MR. HENDERSON: No, absolutely not.
 2 BOARDMEMBER REINHARD: I mean, we have no way
 3 of looking at those values at the moment, to say --
 4 BOARDMEMBER STUHMILLER: How long will it
 5 take nature to dissipate all that?
 6 MR. HENDERSON: What a great question.
 7 MR. OZBILGIN: That will be part of the
 8 Corrective Action Plan.
 9 MR. HENDERSON: Actually, we are running
 10 what's called bio-plume models. The Air Force is much
 11 more into this than the Army has ever been into it. It's
 12 bio-plume models, a model that says, "Given what I've got;
 13 given what the groundwater flow rate, the oxygen content,
 14 the kind of soils I have, et cetera, et cetera, how long
 15 is it going to take this to go somewhere, and what is it
 16 going to be when it gets there?"
 17 So we are modeling that. It's not that we're
 18 just saying, "Gee, it will do it." We are doing models on
 19 that. And again, models have problems, all of them do.
 20 There's not one that has something you can't question.
 21 But it's the best -- right now it's the state of the art.
 22 BOARDMEMBER REINHARD: So which is your
 23 personal favorite?
 24 MR. HENDERSON: I'll have to talk to you off
 25 line sometime. It's not appropriate for me, I

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1 be a nice thing to read over the Christmas holidays.
 2 BOARDMEMBER BALL: Roger, I presume you're
 3 going to build in some kind of fall-back measures in
 4 case --
 5 MR. HENDERSON: Well, there's always
 6 monitoring that goes with this; there's got to be some
 7 monitoring --
 8 BOARDMEMBER BALL: Well, not just monitoring.
 9 I'm just saying like -- because you're expecting some
 10 behavior in the wells, or in the field, some natural
 11 degradation to take place. And so I would assume that if
 12 you don't see that kind of behavior, that you would have
 13 some fall-back measures that could be implemented, and
 14 that those fall-back measures would be part of the options
 15 that are presented in the Corrective Action Plan?
 16 MR. HENDERSON: Probably not. The reason is,
 17 you don't know what might fail, and so you -- there's
 18 endless measures that a person could go through.
 19 Basically, what we're going to say is, "Given the data we
 20 have; given the data that we'll get and our experience
 21 from the sites we've worked on, experience from the sites
 22 that other people have worked on where it has worked,
 23 we'll make some assumptions."
 24 Whether or not you guys want to know it, this
 25 is what happens on any site, even a pump and treat where

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1 they say, "I've got the final thing." A lot of it's
2 guessing; most of it's modeling, which is -- you're
3 looking --

4 BOARDMEMBER REINHARD: No, I don't think he
5 needs to presume that we --

6 MR. HENDERSON: No.

7 BOARDMEMBER REINHARD: We're just saying that
8 there should be some discussion about the effectiveness of
9 bio-sparging and soil flushing which is more than just,
10 "Don't worry, we've all worked 50 years in the field."
11 I mean, the report has to talk about it.

12 MR. HENDERSON: It will.

13 BOARDMEMBER REINHARD: Okay. That's all.

14 BOARDMEMBER BAXTER: Roger, a lot of sites
15 can have contingency plans within their final action, so
16 you could put together a proposal that has contingency
17 plans in it.

18 MR. CALL: I think the contingency is that if
19 what we actually construct and operate doesn't work, then
20 the Army is going to go back out and another plan will be
21 developed, and they go back out and do something else.

22 BOARDMEMBER BALL: Well, that's a good
23 contingency plan. But I think that in order for people to
24 be comfortable with any option, that you should build in a
25 contingency plan, and address the fact that this might not

1 cleanup standards to meet.

2 MR. HENDERSON: Right. Exactly. That's
3 basically the bottom line, is we have to meet those
4 standards; and if they're not being met in a reasonable
5 time, then we'll probably have to go back to the site, and
6 and say, "What isn't working like they thought it would?"
7 and fix it at that point, or at least try to fix it.

8 BOARDMEMBER BAXTER: If you're closing this
9 site under the Water Code -- which I don't know if you are
10 or not -- under that code, if there's any problem, anybody
11 can go in at anytime in the future and say, "Fix what went
12 wrong." However, if you're closing the site under CERCLA
13 or some of the others, it's more of a final buyoff, and
14 you may or may not have to go back in.

15 So I think people should know which way
16 they're being closed and whether it's more final or not.

17 MR. HENDERSON: Well, under CERCLA, there's
18 five years when you have to go back and assess whether or
19 not --

20 BOARDMEMBER BAXTER: Yeah. But that's to
21 assess whether or not they can choose an alternative
22 that's effective. That doesn't necessarily mean they have
23 to do anything; whereas the Water Code (inaudible)

24 MR. HENDERSON: Right. This is being closed
25 under Title 23, so the Water Code.

1 work.

2 MR. OZBILGIN: (Inaudible) selection criteria
3 for the alternative is the flexibility of each technique
4 to be adaptable for various scenarios. And like in cases
5 of the bio-sparging, they are essentially wells that you
6 inject air in, and if you can very well -- if that didn't
7 turn around and pump water out of it, and take it off
8 site; I mean, you can turn things around.

9 The key is the cleanup levels in groundwater
10 are what we want to accomplish, and if we find
11 bio-sparging doesn't do that, we will have to change the
12 treatment technology that will accomplish that. Because
13 at the end, you are not buying off on necessarily a
14 technique, but a cleanup level that the groundwater; that
15 they will turn the bio-sparging system off if it doesn't
16 work.

17 MR. HENDERSON: And actually, in the
18 Corrective Action Plans for the RAPs that I've seen, I've
19 never really seen a contingency plan that says, "This is
20 how we plan to fix it if it breaks." Basically, what we
21 always say is, "We'll make sure that it works by
22 monitoring it; and if the monitoring shows it's not
23 working, then we'll go back to the site and look at it
24 again."

25 BOARDMEMBER REINHARD: Yes, you do have some

1 MR. OZBILGIN: To give you a little comfort,
2 we had a professor this afternoon at the site that had
3 pilot tested the bio-sparging for about two weeks, to a
4 very similar source (inaudible) they had problems,
5 obviously, in various stages. So we are working closely
6 with them to limit what programs we would face in the
7 field when we actually apply this thing. But there is
8 definite evidence that they are gathering right now that
9 this does work in similar sites.

10 MR. HENDERSON: This is really a suitable
11 site for bio-sparging because of the sand that's in here.
12 It's not fat clay. It's not like Hamilton across the bay,
13 which is bay mud; you can't get anything in there. Their
14 benefit there is nothing goes anywhere; but it's also hard
15 to treat.

16 This is actually a real prime site for this
17 kind of stuff. That's why we're --

18 BOARDMEMBER BAXTER: The word of mouth on the
19 air sparging is that's the techniques that seems to work
20 best with large populations of bugs, so I'm assuming that
21 that's where your bio-sparging techniques have been
22 developing from; is that pretty accurate?

23 MR. HENDERSON: Right. And we can also
24 fine-tune this as we're going along, whatever system that
25 we do choose. If we find that oxygen really isn't the

1 (inaudible) factor; we did do the soils flushing; we can
2 also add stuff to the soil flushing to improve it, you
3 know, whatever is the limiting nutrient, we'll treat them
4 there.

5 There's lots and lots of stuff that we can
6 do, and you know, we certainly could go in here and build
7 a typical extraction-injection system with lots of
8 extraction wells and the whole ring of wells around that,
9 and we can turn on that system and pump it for 30 years.
10 And I know that will fly pretty well, but I don't feel
11 good about that because I've seen a lot of sites that
12 don't get cleaned up. Somebody's doing something, and the
13 plume is being, hopefully, fairly well contained, but it's
14 not really doing much to clean the system. Keeping your
15 fingers crossed as you move in enough water through that
16 area -- it's kind of like putting a greasy plate under
17 cold water. That doesn't work very well.

18 BOARDMEMBER BAXTER: I think most people
19 would agree with you that pump and treat is not really a
20 good viable solution, but to date, it's been the only one
21 that's been really workable in many sites. So if you can
22 figure out something that will work, I think a lot of
23 people would be willing to look at it.

24 MR. HENDERSON: I wouldn't say it's been
25 proven to work. It's been mostly used to deplume in one

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1 we need to change our charter, and a couple of minor
2 items. David can send that out. We'll put together and
3 David will send it out and people that won't be here next
4 time can vote by mail, or everyone can vote by mail and
5 we'll have the results next time, okay. Any comments or
6 --

7 FACILITATOR STEELE: Okay, everybody?
8 Okay. Agenda for next time then -- or
9 agenda. Is that what that means?

10 BOARDMEMBER WILKINS: Does anybody right now
11 have any specific items they want to -- besides obviously
12 this Organizational Committee issues that we want to
13 present for the RAB on the 10th of January? Yes.

14 BOARDMEMBER GIRARDOT: Did we talk about
15 adding community members to the RAB? There was some
16 comments about that the last time, because it seems we're
17 going to be losing some members, so we might want to
18 enlarge or just replace --

19 BOARDMEMBER WILKINS: Well -- and the
20 mechanism for doing that is in the charter. Certainly if
21 you have any particular comments about that, you can
22 address those to Bennett.

23 BOARDMEMBER GIRARDOT: But what is our
24 maximum number that we are looking at?

25 FACILITATOR STEELE: I don't think there's

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1 spot. I haven't seen many sites that have been really
2 cleaned up, because they keep bouncing back after they get
3 turned off.

4 BOARDMEMBER BAXTER: IBM.

5 MR. HENDERSON: Who?

6 BOARDMEMBER BAXTER: IBM.

7 MR. HENDERSON: IBM. Is that TPH,
8 or was that a PCB plume?

9 BOARDMEMBER BAXTER: Solvents.

10 MR. HENDERSON: Solvents are different.

11 BOARDMEMBER BAXTER: Pump and treat

12 (inaudible).

13 MR. HENDERSON: Oh, they did, because
14 solvents don't (inaudible). That's a totally different
15 animal than TPH, it's very different.

16 FACILITATOR STEELE: I have a feeling this
17 discussion probably could go on for an hour and -- are we
18 ready to wrap it up? Okay. Thank you.

19 The next item on the agenda then, committee
20 reports, you all were buzzing about --

21 BOARDMEMBER HORENSTEIN: What David and I
22 suggested -- unless anyone else has any problems with
23 it -- is to maybe do it by mail, to send out -- there's a
24 couple issues to vote on. The Organizational Committee;
25 one is a facilitator; a couple of others, how many people

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1 anything in here about maximum number, is there?

2 BOARDMEMBER WILKINS: No -- I mean, there's
3 not a maximum number. As you remember, when we first
4 started this whole process eight months ago, I think the
5 maximum number was 25. I think that would be a good
6 number to stay close to, so -- I think anything in excess
7 of that would be kind of unmanageable. I mean, as it is
8 we don't get everybody here, so, you know, having 50
9 people is not going to be practical.

10 BOARDMEMBER HORENSTEIN: What David mentioned
11 earlier was that there's one more week for two more people
12 to respond. If they don't respond by that time, then we
13 have two slots open. I don't know that we've decided how
14 to best fill them.

15 BOARDMEMBER BAXTER: On the Main Installation
16 Committee, when they did their prioritization a couple of
17 months ago or something, I think one of the higher
18 priorities was the Letterman area, and we asked for a
19 presentation on that. Could we get that on the agenda for
20 January?

21 BOARDMEMBER WILKINS: Say that once again.

22 BOARDMEMBER BAXTER: The Letterman Hospital
23 area.

24 BOARDMEMBER WILKINS: Okay. And what about
25 that do you want to discuss?

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1 BOARDMEMBER BAXTER: We wanted the Army --
 2 basically wanted the Army -- we have a list of questions.
 3 I think you might have a copy of it if you look back in
 4 your notes or something, and we wanted the Army to tell us
 5 what was at Letterman, what they did to investigate it,
 6 what they found, if anything, and what, if any, future
 7 plans they had to investigate it. Is that about right,
 8 Joan?

9 BOARDMEMBER GIRARDOT: Yes.

10 BOARDMEMBER BAXTER: So could we just get a
 11 presentation on that?

12 BOARDMEMBER WILKINS: Anything else?

13 BOARDMEMBER REINHARD: I think we want to
 14 keep Building 637 and the follow-up to these issues that
 15 were raised tonight as another agenda item for January, to
 16 see where we came out.

17 MR. HENDERSON: Which issues?

18 BOARDMEMBER REINHARD: Well, by then we'll
 19 have the Corrective Action Plan; you'll have discussed
 20 more about the cleanup levels. But you don't have a date
 21 now of when you want this draft Corrective Action Plan to
 22 go final yet.

23 MR. HENDERSON: Well, when are we going to
 24 get the draft? It's going to be out before Christmas
 25 sometime, right, in the next couple weeks? I think

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1 further process about the Community Co-chair, whether it's
 2 going to actually be -- is it going to be --
 3 BOARDMEMBER WILKINS: We'll add that to this
 4 list.

5 FACILITATOR STEELE: Any other business
 6 before adjournment?

7 Okay. Is there a motion to adjourn?

8 BOARDMEMBER WILKINS: Yes, I move that we
 9 adjourn.

10 BOARDMEMBER UNKNOWN: Second.

11 FACILITATOR STEELE: All in favor.
 12 Okay.

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 14 (Whereupon, the proceedings adjourned at 10:11 p.m.)
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1 probably -- actually it will be 30 days, around 30 days,
 2 right. Because if it's going to -- since we have to put
 3 out probably some kind of public notice, it has to go out
 4 anyway for review.

5 BOARDMEMBER WILKINS: But that's not until
 6 you reach the final product, though.

7 MR. HENDERSON: That's true.

8 BOARDMEMBER WILKINS: What I would suggest is
 9 perhaps if people want to review the document, we'll make
 10 those -- obviously, we'll have those available. And be
 11 prepared to come to the January 10th meeting to discuss
 12 that. You know, you've got an overview of the strategies,
 13 so you've got some things to turn over in your mind. You
 14 get the draft plan; you can see all the specifics and the
 15 details. Let's come on out with a powwow about it on the
 16 10th, and we can go down each one of these strategies,
 17 and your gripes or complaints about 'em, or your
 18 scientific opinion about its worthiness, hey, let's bring
 19 it up.

20 BOARDMEMBER KERN: Can we make a request in
 21 advance right now for that draft? I mean, to have --

22 BOARDMEMBER WILKINS: Okay, who doesn't want
 23 a copy of the Corrective Action Plan? Okay, that's easy.

24 Okay. So anything else?

25 BOARDMEMBER REINHARD: Well, we'll have the

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1 STATE OF CALIFORNIA)
 2 COUNTY OF ALAMEDA)

3 I, Theresa A. Darnell, C.S.R. No. 9966, in and
 4 for the County of Alameda, State of California,
 5 hereby certify that the foregoing proceedings in
 6 the within-entitled cause was reported by me, a Certified
 7 Shorthand Reporter and a disinterested person, to the best
 8 of my ability, and was thereafter transcribed into
 9 typewriting under my direction and supervision.

10 IN WITNESS WHEREOF, I have hereunto set my hand.
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14 Date: _____, 1994
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